JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW

EDITED FOR

THE SOCIETY OF COMPARATIVE LEGISLATION

BY

F. P. WALTON, Esq., LL.D., K.C. (Quebec)

Let observation, with extensive view,
Survey mankind from China to Peru.
Samuel Johnson.

Third Series. Vol. XI. Part II.

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
1 ELM COURT, TEMPLE, E.C.4.
1929.

[*All rights reserved.*]

All communications to be addressed to the Hon. Editor,
1 Elm Court, Temple, E.C.4.
The annual subscription to the Society is one guinea.

Printed in Great Britain by Hazell, Watson & Viney, Ltd.,
London and Aylesbury.

TABLE OF CONTENTS.

PAGE

PRESIDENT, COUNCIL AND COMMITTEE vii
HONORARY MEMBERS AND SUBSCRIBERS x
CONTRIBUTORS xxvi
ACCOUNTS xxvii
INTRODUCTION TO REVIEW OF LEGISLATION . . .xxviii
Contributed by F. P. Walton, Esq., LL.D.

BRITISH EMPIRE :—

I. BRITISH ISLES—

1. United Kingdom. *Contributed by* Cecil T. Carr, Esq., LL.D. 1
2. Jersey. *Contributed by* E. T. Nicolle, Vicomte of Jersey 17
3. Northern Ireland. *Contributed by* Sir Arthur S. Quekett, K.C., LL.D. 17
4. Irish Free State. *Contributed by* the Hon. Mr. Justice Hanna 27

II. NORTH AMERICA—

1. Dominion of Canada 41
2. Alberta. *Contributed by* John D. Hunt, Esq., K.C., Clerk to the Executive Council 41
3. British Columbia. *Contributed by* the Legislative Counsel 43
4. Manitoba. *Contributed by* Erskine W. Ireland, Esq., LL.B. 44
5. New Brunswick. *Contributed by* M. B. Dixon, Esq., K.C. 46
6. Nova Scotia. *Contributed by* F. F. Mathers, Esq. . . 47
7. Ontario. . . . .
Contributed by John D. Falconbridge, Esq., K.C. . . 47
8. Prince Edward Island.
Contributed by W. E. Bentley, Esq., K.C. . . 54
9. Quebec.
Contributed by the Hon. Mr. Justice Fabre Surveyer . 55
10. Saskatchewan. *Contributed by* R. W. Shannon, Esq., K.C. 57
11. Newfoundland. *Contributed by* the Minister of Justice . 61
12. Bermuda.
Contributed by Sir Reginald Gray, K.C., Speaker of the House of Assembly 75

PAGE

III. COMMONWEALTH OF AUSTRALIA—
Contributed by Sir Robert Garran, K.C.M.G. . . 75
1. New South Wales. *Contributed by* Professor F. R. Beasley, B.A., LL.B., and M. W. D. McIntyre, Esq., B.A., LL.B. 80
2. Queensland. *Contributed by* the Hon. Sir Littleton E. Groom, K.C.M.G., M.A., LL.M., and J. F. Gamble, Esq., B.A., LL.B. 89
3. South Australia.
Contributed by E. L. Bean, Esq., M.A., LL.B. . . 94
4. Tasmania. *Contributed by* H. J. Solomon, Esq., LL.B. . 100
5. Victoria.
Contributed by His Honour Judge Zichy-Woinarski, K.C., and S. H. Zichy-Woinarski, Esq., M.A., LL.B. 101
6. Western Australia. *Contributed by* F. L. Stow, Esq., LL.D. 120
7. Papua. *Contributed by* His Honour Mr. Justice Gore . 123

IV. NEW ZEALAND—
Contributed by J. Christie, Esq., LL.M., Parliamentary Law Draftsman 126

V. WESTERN PACIFIC—
1. Fiji. *Contributed by* Sir Alfred K. Young . . . 143
2. Western Pacific.
Contributed by Sir Alfred K. Young . . . 144
i. Gilbert and Ellice Islands 144
ii. British Solomon Islands. 145
iii. Kingdom of Tonga 146

VI. SOUTH AFRICA—
1. Union of South Africa.
Contributed by A. A. Schoch, Esq., Law Adviser . 146
2. Cape of Good Hope 151
3. Natal.
Contributed by the Hon. Mr. Justice F. S. Tatham, D.S.O. 151
4. Orange Free State. *Contributed by* H. Pring, Esq. . 152
5. Transvaal.
Contributed by G. Hartog, Esq., and V. Rosenstein, Esq. 153

VII. BRITISH INDIA—
Contributed by the Hon. Sir Henry Moncrieff-Smith, Kt., C.I.E., I.C.S.
1. Acts of the Indian Legislature 159
2. Madras 162
3. Bombay 163
4. Bengal 164
5. United Provinces 164

PAGE

6. Punjab 164
7. Bihar and Orissa 164
8. Burma 164
9. Central Provinces 165
10. Assam 166
11. Coorg 166
12. Regulations under s. 71, Government of India Act . . 166

VIII. EASTERN COLONIES—

1. Ceylon.
Contributed by C. C. A. Brito-Mutunayagam, Esq., B.C.L., M.A. 167
2. Hong Kong.
Contributed by C. G. Alabaster, Esq., K.C., O.B.E. . 174
3. Straits Settlements. *Contributed by* A. de Mello, Esq. . 175
4. Federated Malay States. *Contributed by* A. de Mello, Esq. 178
5. Mauritius. *Contributed by* E. Nairac, Esq. . . . 182
6. State of North Borneo.
Contributed by C. F. C. Macaskie, Esq. . . . 183
7. Seychelles.
Contributed by G. E. Cooper, Esq., Legal Adviser . 183

IX. WEST AFRICA—

1. Gambia 184
2. Gold Coast. *Contributed by* A. de Hart, Esq., Acting Attorney-General 187
(i) Ashanti 188
(ii) Northern Territories 188
(iii) British Sphere of Togoland 189
3. Nigeria. *Contributed by* Donald Kingdon, Esq., Attorney-General 189
4. Sierra Leone.
Contributed by I. J. Turbett, Esq., Acting Attorney-General 189

X. EAST AFRICA—

1. Kenya.
Contributed by the Hon. W. C. Huggard, K.C., LL.D., Attorney-General 191
2. Nyasaland Protectorate.
Contributed by W. Harragin, Esq., Attorney-General . 193
3. Tanganyika Territory.
Contributed by F. A. Moseley, Esq. 195
4. Uganda.
Contributed by J. H. Jarrett, Esq., Crown Counsel . 196
5. Zanzibar Protectorate.
Contributed by C. B. Francis, Esq., Attorney-General 198
6. Anglo-Egyptian Sudan.
Contributed by Richard Wedd, Esq., Advocate-General 199

PAGE

XI. SOUTH ATLANTIC—
British Guiana.
Contributed by the Hon. the Attorney-General . . 200

XII. WEST INDIES—
1. The Bahamas.
Contributed by the Hon. Harcourt Malcolm, O.B.E., K.C., Speaker 201
2. Barbados 203
3. Jamaica 204
4. Windward Islands.
(i) Grenada. 207
(ii) St. Lucia.
Contributed by the Hon. J. E. M. Salmon . . . 208
(iii) St. Vincent. 209
5. Trinidad and Tobago.
Contributed by L. H. Whitehead, Esq., Chief Clerk . 210

XIII. MEDITERRANEAN—
1. Gibraltar.
Contributed by Captain Maxwell Anderson, C.B.E., K.C., R.N. (ret.), Attorney-General . . . 210
2. Cyprus.
Contributed by C. C. Gerahty, Esq., Attorney-General 211
3. Malta. *Contributed by* C. J. Colombos, Esq., LL.D. . 213

XIV. PALESTINE—
Contributed by Norman Bentwich, Esq., O.B.E., M.C. 215

FOREIGN—
1. France. *Contributed by* O. E. Bodington, Esq. . . 220
2. United States of America 223

PRESIDENT:

THE RT. HON. THE MARQUESS OF READING, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O.

CHAIRMAN OF THE EXECUTIVE COMMITTEE:

THE RIGHT HON. LORD ATKIN OF ABERDOVEY

VICE-CHAIRMAN

SIR LYNDEN MACASSEY, K.B.E., K.C.

COUNCIL:

Colonel the Hon. Sir James Allen, G.C.M.G., K.C.B., formerly High Commissioner for New Zealand.

The Rt. Hon. L. C. M. S. Amery, M.P., formerly Secretary of State for the Dominions and for the Colonies.

Sir Maurice Sheldon Amos, K.B.E., formerly Judicial Adviser to the Government of Egypt.

Sir Algernon Aspinall, C.M.G., C.B.E.

The Rt. Hon. Lord Atkin, a Lord of Appeal in Ordinary.

The Rt. Hon. the Earl of Balfour, K.G., O.M., F.R.S., D.L., formerly Lord President of the Council.

Sir Thomas Barclay, LL.D., Ph.D.

Senator The Hon. N. A. Belcourt, LL.M., LL.D., K.C., P.C., Ex-Speaker of the House of Commons of Canada.

Sir Anton Bertram, K.C., formerly Chief Justice of Ceylon.

The Rt. Hon. the Earl of Birkenhead, G.C.S.I., K.C., formerly Secretary of State for India.

The Rt. Hon. Sir R. L. Borden, G.C.M.G., K.C., LL.D., formerly Premier of Canada.

The Hon. Sir Edgar R. Bowring, formerly High Commissioner for Newfoundland.

E. Leslie Burgin, Esq., LL.D., formerly Principal and Director of Studies to the Law Society.

M. Lyon Caen, Membre de l'Institut de France.

Cecil T. Carr, Esq., LL.D.

The Rt. Hon. Sir J. Austen Chamberlain, K.G., M.P., formerly Secretary of State for Foreign Affairs.

The Rt. Hon. Winston S. Churchill, C.H., M.P., formerly Chancellor of the Exchequer.

H. M. Cleminson, Esq.

The Rt. Hon. Sir Joseph Cook, G.C.M.G., formerly High Commissioner for Australia.

The Rt. Hon. Lord Craigmyle, K.C., LL.D.

M. Dareste, Membre de l'Institut de France.

The Hon. Mr. Justice Feetham, C.M.G., M.L.A., Judge of the Supreme Court of South Africa.

The Rt. Hon. Sir Charles Fitzpatrick, G.C.M.G., K.C., formerly Lieut.-Governor of Quebec.

Sir R. R. Garran, K.C.M.G., Solicitor-General of the Commonwealth of Australia.

Sir A. Norman Hill, Bart.

Sir Cecil Hurst, G.C.M.G., K.C.B., K.C., LL.M., Legal Adviser to the Foreign Office.

Edward Jenks, Esq., D.C.L., Dean of the Faculty of Law, University of London.

F. N. Keen, Esq.

Courtney Kenny, Esq., LL.D., F.B.A., formerly Downing Professor of Law in the University of Cambridge.

The Hon. Sir J. G. Kotzé, K.C., LL.D., formerly Judge of the Supreme Court of South Africa.

The Hon. P. C. Larkin, P.C., High Commissioner for Canada.

D. Campbell Lee, Esq.

Sir Lynden Macassey, K.B.E., K.C.

H. F. Manisty, Esq., K.C.

Sir W. H. Mercer, K.C.M.G., formerly one of the Crown Agents for the Colonies.

Sir W. Harrison Moore, K.B.E., C.M.G., Dean of the Faculty of Law of Melbourne University.

The Rt. Hon. Lord Morris, K.C.M.G., K.C., LL.D., formerly Premier of Newfoundland.

The Rt. Hon. Lord Muir Mackenzie, G.C.B., K.C.

Professor the Hon. J. B. Peden, K.C., M.L.C., Dean of the Faculty of Law, Sydney University; President of the Legislative Council New South Wales.

The Rt. Hon. Sir Frederick Pollock Bart., K.C., D.C.L., LL.D., Judge of the Cinque Ports.

The Hon. Sir Leslie Probyn K.C.M.G., formerly Governor of Jamaica.

The Rt. Hon. the Marquess of Reading, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O., formerly Viceroy of India, *President.*

Sir Alexander Wood Renton K.C.M.G., K.C., formerly Chief Justice of Ceylon.

Sir J. S. Risley, K.C.M.G., C.B., K.C., Legal Adviser to the Colonial Office and Dominions Office.

Sir Tej Bahadur Sapru, K.C.S.I., LL.D., formerly Legal Member of the Council of the Viceroy of India.

The Rt. Hon. E. Shortt, K.C., formerly Home Secretary.

The Rt. Hon. Sir J. A. Simon K.C.V.O., K.C., D.C.L., LL.D., M.P.

Sir H. Llewellyn Smith, G.C.B., formerly Chief Economic Adviser to H.M. Government.

The Hon. Sir Josiah Symon K.C.M.G., K.C., formerly Attorney-General of the Commonwealth of Australia.

The Hon. William Howard Taft D.C.L., LL.D., Chief Justice of the Supreme Court of the United States.

The Hon. Sir Edgar Walton K.C.M.G., formerly High Commissioner for South Africa.

F. P. Walton, Esq., LL.D., M.A.

EXECUTIVE COMMITTEE:

Sir Maurice Sheldon Amos, K.B.E.
Sir Algernon Aspinall, C.M.G., C.B.E.
The Rt. Hon. Lord Atkin, *Chairman.*
Sir Thomas Barclay, LL.B., Ph.D.
Sir Anton Bertram, K.C.
E. Leslie Burgin, Esq., LL.D.
Cecil T. Carr, Esq., LL.D.
H. M. Cleminson, Esq.
Sir A. Norman Hill, Bart.
Sir Cecil Hurst, G.C.M.G., K.C.B., K.C.
F. N. Keen, Esq.
D. Campbell Lee, Esq.
Sir Lynden Macassey, K.B.E., K.C., *Vice-Chairman.*
H. F. Manisty, Esq., K.C.
The Rt. Hon. Lord Muir Mackenzie, G.C.B., K.C.
Sir J. S. Risley, K.C.M.G., C.B., K.C.
The Rt. Hon. Sir J. A. Simon, K.C.V.O., K.C. M.P.
Sir H. Llewellyn Smith, G.C.B.
F. P. Walton, Esq., LL.D.

HONORARY EDITOR:

F. P. Walton, Esq., LL.D.

HONORARY SECRETARIES:

C. E. A. Bedwell, Esq.
Professor H. C. Gutteridge, LL.D.

SECRETARY AND ASSISTANT EDITOR:

Miss K. I. Toogood.

Correspondence in reference to contributions to the Society's Journal should be addressed to the Editor, and all other communications to the Secretaries at 1, Elm Court, Temple, London, E.C.4.

HONORARY MEMBERS AND SUBSCRIBERS.

SOCIETY OF COMPARATIVE LEGISLATION.

HONORARY MEMBERS.

The Hon. Mr. Justice Buchanan.
The Hon. Sir Reginald Gray, K.C.

LIST OF SUBSCRIBERS.

(† Life members.)

Aberdeen University Library (per D. Wyllie & Son).
Adelaide Public Library.
Adelaide University Library (per The Australian Book Co.).
Adelbert College Library, Ohio (per G. E. Stechert & Co.).
Agbebi, E. M. E. (Nigeria).
Alberta, Deputy Attorney-General (per Canada Law Book Co.).
Alberta Law Society.
Alberta Provincial Library.
Alberta University (per Dawson & Sons, Ltd.).
Alexander, G. Glover.
Alexandria, Cour d'Appel Mixte.
Alexandria, Native Tribunal of First Instance.
Allahabad University, Dept. of Law (per Butterworth & Co.).
Allegheny County Law Library (per N. A. Phemister Co.).
Allemés, Frederick.
Allinson, J. S. (Pretoria), (per A. Elliot).
American Bar Association.
Amherst College Library, Massachusetts (per G. E. Stechert & Co.).
Amos, Sir Maurice Sheldon.
Amoy University (per J. Thin).
Amulree, The Rt. Hon. Lord.
Angulo, Charles (New York).
Anhwei University, China (per Dawson & Sons, Ltd.).
Antigua, Attorney-General (per Crown Agents).
Aoki, Tetsuji, (Tokio), (per Kokusai Shobo Co., Ltd.).
Argus South African Newspapers, Ltd.
Asher & Co. (3) (per Dawson & Sons, Ltd.).

Assam, Secretary to the Legislative Council.
Athenæum Club (per James Bain).
Athens, Bibliothèque de la Chambre des Députés (per Messageries Hachette).
Atkin, The Rt. Hon. Lord.
Australia, Commonwealth of. (5)
Australia, Commonwealth Parliament Library (per Dawson & Sons, Ltd.).

Bahamas Law Library.
Bailey, W. H.
Baltimore Bar Library (per G. A. Jennings Co., Inc., New York).
Bar Library (per Wildy & Sons).
Barbados, Colonial Secretary. (5) (per Crown Agents).
Barcelona, Colegio de Abogados (per Alfred Wilson).
†Baty, T. (Japan).
Bavaria State Library (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Bedwell, C. E. A.
Belcourt, The Hon. Senator N. A. (Canada).
Belfast, Ministry of Commerce (per H.M. Stationery Office).
Belgium, Ministère de la Justice, Brussels.
Benas, Bertram B.
Bengal, Legislative Council.
Bermuda, Colonial Secretary. (5) (per Crown Agents).
Beutner, Dr. (Berlin) (per Sweet & Maxwell, Ltd.).
Bewes, Wyndham A.
Bhandarkar, V. G. (India).
Biblioteca de la Universidad Mayor de San Marcos, Peru (per B. Herder).
Bibliothèque Nationale, Paris (per Mr. C. Klinckseick).
Biddle Law Library, Pennsylvania.
Bihar and Orissa, Legal Remembrancer.
Birmingham Law Society.
Birmingham Public Library (per Cornish Bros., Ltd.).
Bisschop, W. R.
Blackwell, Messrs. B. & H., Ltd.
Blanesburgh, The Rt. Hon. Lord.
Board of Trade (per H.M. Stationery Office).
Bodington, Oliver E. (Paris).
Bolsa de Madrid.
Bombay, Government of. (10)
Bombay High Court Law Library (per Wildy & Sons).
Bond, Stanley S.
Bonn a. Rhein, Universitäts-Bibliothek (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Borden, The Rt. Hon. Sir Robert (Canada).
Boston Public Library (per G. E. Stechert & Co.).

Brierly, Professor.
Briscoe, W. R. B.
Bristol University (per David Nutt).
British Columbia Provincial Library.
British Guiana, Attorney-General (per Crown Agents).
British Guiana, Colonial Secretary. (4) (per Crown Agents).
British Honduras, Attorney-General (per Crown Agents).
British North Borneo Co.
British North Borneo, Government Secretary.
British Social Hygiene Council, Incorporated (late N.C.F.V.D.).
Brown, Mr. President Jethro (Australia).
Bryn Mawr College Library (per Allen & Son, Ltd.).
Burdwan, Sir Maharajadhiraja Bahadur (per Butterworth & Co.).
Burgin, E. Leslie.
Burma, Government Advocate (per Dawson & Sons, Ltd.).
Burma, High Court of Judicature.
Burma, Officiating Secretary to the Government.
Butterworth & Co. (Australia) Ltd. (per Butterworth & Co.).

Caen, M. Lyon (Paris).
Cairo, Native Court of Appeal.
Calcutta High Court, Appellate side, Registrar (per Dawson & Sons, Ltd.).
Calcutta, Presidency College (per Dawson & Sons, Ltd.).
Calcutta University.
California State Library (per Stevens & Brown).
California University Library (per Stevens & Brown).
California University Library, Southern Branch (per Stevens & Brown).
Canada, Department of External Affairs.
Canada, Department of Labour.
Canada, Dominion of. (4)
Canada, Library of Parliament, Ottawa (per Allen & Son, Ltd.).
Canada, Minister of Justice, Ottawa (per Dawson & Sons, Ltd.).
Canada, Parliamentary Counsel (per Canada Law Book Co.).
Canada, Supreme Court, Ottawa (per Sweet & Maxwell, Ltd.).
Canterbury College, New Zealand (per B. H. Blackwell, Ltd.).
Canterbury District Law Society, New Zealand (per Stevens & Sons, Ltd.).
Canty, F. T. G.
Cape of Good Hope Incorporated Law Society (per Juta & Co., and Walker Bros.).
Cape Town Public Library (per Darter Bros. & Co.).
Cardiff Central Library.
Carlton Club (per Harrison & Sons).
Carnegie Endowment for International Peace (Washington) (per Stevens & Brown).
Carnegie Foundation for the Advancement of Teaching (New York).

Carr, Cecil T.
Carswell Company, Ltd.
†Carter, Sir E. Bonham.
Central Provinces, The Hon. Legal Remembrancer.
Ceylon, Attorney-General. (9) (per Crown Agents).
Ceylon, Colonial Secretary (per Crown Agents).
Chamber of Shipping of the United Kingdom.
Chartered Institute of Secretaries.
Charteris, Professor A. H. (Sydney).
Cheng, F. T. (Peking).
Chicago Bar Association (per N. A. Phemister Co.).
Chicago Law Institute (per Sweet & Maxwell, Ltd.).
Chicago University Library (per G. E. Stechert & Co.).
China Association.
China, Ministry of Justice, Nanking (per B. H. Blackwell, Ltd.).
China, National University, Peking (per George Harding).
China, Supreme Court.
Chinese Minister, H.E. the (Washington).
Cincinnati Law Library (per The W. H. Anderson Co.).
Clark, J. Murray (Canada).
Clark University Library (Massachusetts) (per G. E. Stechert & Co.).
Cleveland Law Library Association (per The Carswell Co., Ltd.).
Cologne University and State Library (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Colombos, C. J.
Colonial Office. (3) (per H.M. Stationery Office).
Commerce Clearing House (Chicago).
Comparative Law School of China (Shanghai) (per W. Dawson & Sons, Ltd.).
Congress Library, Washington. (2) (per Allen & Son, Ltd.).
Congress Library, Washington (per G. E. Stechert & Co.).
Connecticut State Library (per F. W. Faxon Co.).
Constant, Benjamin.
Cooper, R. W.
Cornell University Law Library (per Sweet & Maxwell, Ltd.).
Cornell University Library (per Allen & Son, Ltd.).
Craigmyle, The Rt. Hon. Lord.
†Curtis, James.
Cyprus, Colonial Secretary. (3) (per Crown Agents).
Czecho-Slovak Republic (per F. Topic).

Dacca University Library (per B. H. Blackwell, Ltd.).
Dalhousie University Law School (per The Carswell Co., Ltd.).
Dartmouth College Library (per F. W. Faxon Co.).
De Becker, J. E. (Japan) (per Butterworth & Co.).
Dedek, Dr. Vladimir (Czecho-Slovakia).

Delhi, Legislative Department (per W. Thacker & Co.).
Delhi, University of (per B. H. Blackwell, Ltd.).
Detroit Public Library (per Stevens & Brown, Ltd.).
Dominica, Crown Attorney (per Crown Agents).
Douglas, James G. (Dublin).
Duff, The Rt. Hon. Mr. Justice.

Edinburgh University (per J. Thin).
Edmunds, C. A. (South Australia).
Egypt, Ministry of Finance.
Egypt, Ministry of Justice.
Eliaser, R. (Estonia).
Emmett, Professor E. (Cape Town) (per Sweet & Maxwell, Ltd.).
Estonian State Library.

Faculty of Procurators, Glasgow (per Jackson, Wylie & Co.).
Falk Fils (Brussels).
Far Eastern American Bar Association (Shanghai).
Federated Malay States, Government of. (5) (per Crown Agents).
Feetham, The Hon. R. (South Africa).
Feinstein, John (Canada) (per The Carswell Co., Ltd.).
Fiji, Colonial Secretary. (2) (per Crown Agents).
Fink, The Hon. T. (Australia) (per Sweet & Maxwell, Ltd.).
Finland, Parliamentary Library (per Akademiska Bokhandeln).
Fitzpatrick, The Rt. Hon. Sir Charles (Canada).
Fitzwilliam, Oliver V., & Co. (Trinidad).
France, Office de Législation Etrangère (per Librairie Générale de Droit et de Jurisprudence).
Frankfurt a.M. University and State Library (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Frankfurt University, Seminar für Internationales Privatrecht (per Sweet & Maxwell, Ltd.).
Fruin, Th. A. (Holland).
Fundamental Bibliothek of University, Moscow (per Dawson & Sons, Ltd.).

Gambia, Colonial Secretary (per Crown Agents).
Garle, H. E. L.
Gates, Sir Frank.
Gauhati Law College, Assam.
Georgia State Library.
Gibraltar, Attorney-General (per Crown Agents).
Glasgow Chamber of Commerce.
Glasgow University (per Jackson, Wylie & Co.).
Goadby, F. M.
Gold Coast, Attorney-General (per Crown Agents).

Gold Coast, Chief Registrar, Accra (per Crown Agents).
Gold Coast, His Honour the Judge, Cape Coast (per Crown Agents).
Gold Coast, His Honour the Judge, Seccondee (per Crown Agents).
Gooptu, S. K. (Calcutta) (per W. Thacker & Co.).
Gordon & Gotch (Australasia), Ltd.
Gordon, J. W.
Göttingen Universitäts-Bibliothek (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Grant, Sir Ludovic.
Gray's Inn Library.
†Greene, W. E. Clayton.
Grenada, Colonial Secretary. (2) (per Crown Agents).
Groom, The Hon. Sir Littleton E. (Queensland).
Guex, Professor R. (Lausanne).
Guizeh Library (Egypt) (per Simpkin, Marshall, Ltd.).
Gutteridge, Professor H. C.

Hamburg, Seminar für Auslands Recht (per W. Müller).
Hanna, The Hon. Mr. Justice (per Hodges, Figgis & Co.).
Haraguchi, T. (Formosa) (per The Times Book Co., Ltd.).
Harker, T. Rowand.
Harper, C. G. S.
Harvard College Library (per Allen & Son, Ltd.).
Harvard University, Law School. (2)
Harvey, Miss E. C.
Hawke, The Hon. Mr. Justice.
Hayashi, H.E. Baron.
Hazeltine, Professor H. D.
Herchenroder, M. F. P. (India).
Higgins, Professor A. Pearce.
Hill, Sir A. Norman.
Hinde, F.
Hindu University, Benares (per Dawson & Sons, Ltd.).
Holbrooke, L. E. (per W. H. Smith & Son).
Home Office (per H.M. Stationery Office).
Hong Kong, Colonial Secretary (per Crown Agents).
Hong Kong University (per Longmans Green & Co.).
House of Commons Library (per H.M. Stationery Office).
House of Lords Library (per H.M. Stationery Office).
Howard League for Penal Reform.
†Huberich, Dr. C. H. (The Hague).
Hunan University (per Dawson & Sons, Ltd.).
Hurry, Lieut.-Col. G. (Australia).
Hyderabad Legislative Council.

Ichimura, T. (Japan) (per Maruzen Co., Ltd.).

Idelson, V. R.
Ikeda, Torajiro (per Sweet & Maxwell, Ltd.).
Illinois Supreme Court Library (per N. A. Phemister Co.).
Illinois University Library. (2) (per G. E. Stechert & Co.).
India, Department of Industries (per Dawson & Sons, Ltd.).
India, High Commissioner for.
India Office. (2) (per H.M. Stationery Office).
India Office, Telegraph and Mails Branch. (2)
India, Secretary to Government of. (4)
Indian Institute of International Law.
Indiana State Library (per F. W. Faxon Co.).
Indiana University Library (per F. W. Faxon Co.).
Inland Revenue (per H.M. Stationery Office).
Inner Temple Library.
Institut für Ausländisches Öffentliches Recht und Völkerrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für Ausländisches Recht, Heidelberg University.
Institut für Ausländisches und Internationales Privatrecht, Berlin (per Sweet & Maxwell, Ltd.).
Institut für Internationales Recht, Kiel.
Institut für Rechtesvergleichung, Munich (per Sweet & Maxwell, Ltd.).
Institut für Weltwirtschaft und Seeverkehr (Kiel).
Institute of Pacific Relations, Honolulu (per G. E. Stechert & Co.).
International Labour Office.
Iowa State Library.
Iowa State University Library (per G. E. Stechert & Co.).
Irish Free State, Attorney-General's Department (per Stationery Office, Dublin).
Irish Free State, Department of External Affairs (per Eason & Son, Ltd.).
Irish Free State, Department of Local Government and Public Health (per Stationery Office, Dublin).
Irish Free State, Ministry of Justice (per Stationery Office, Dublin).
Irish Free State, Oireachtas Library (per Stationery Office, Dublin).
Istituto di Filosofia del Diritto e di Diritto Comparato, Padova University.
Italy, Ministero Affari Esteri (per Cowie & Co., Ltd.).
Italy, Ministero della Giustizia e Affari di Culto (per Prof. P. Maglione).

Jamaica, Attorney-General (per Crown Agents).
Jamaica, Colonial Secretary. (12) (per Crown Agents).
Jamaica, Puisne Judge (per Crown Agents).
James, F. E. (Madras).
Jammu and Kashmir High Court, the Judge (per W. Thacker & Co.).
Japan, Imperial Library (per Maruzen Co., Ltd.).
Japan, Kizokuin (House of Peers) (per Maruzen Co., Ltd.).
Japan, Library of College of Law and Literature, Sendai (per Maruzen Co., Ltd.).

Java, Volksraad-afd Bibliotheek (per Dawson & Sons, Ltd.).
Jeffreys, M. J. W.
Jenks, Professor E.
Jersey Law Society.
Johannesburg Public Library.
John Crerar Library (per The F. W. Faxon Company).
Johns Hopkins University Library (per Allen & Son, Ltd.).
Johnson, Arthur (Paris).
Johnston, Mr. Justice (Dublin).
Johore Government, Legal Adviser.
Joint Parliamentary Advisory Council.
Jones, F. Llewellyn.
Joseph, Bernard (Jerusalem).

Kahn, R. (per Sweet & Maxwell, Ltd.).
Kansas State Library.
Karr, H. (Zurich).
Kazan, Biblioteke Universtete (per Dawson & Sons, Ltd.).
Keen, F. N.
Keijo Imperial University (per Maruzen Co., Ltd.).
Keith, Professor A. Berriedale.
Kelantan Government, British Adviser to.
Kennedy, the Hon. Hugh (Dublin).
Kennedy, Professor W. P. M. (Toronto).
†Kenny, Professor Courtney.
Kenworthy, Capt. L. R. (per W. H. Smith & Son).
Kenya, Attorney-General (per Crown Agents).
Kenya, Chief Native Commissioner (per Crown Agents).
Kenya, Supreme Court, Nairobi (per Crown Agents).
Kenya, Supreme Court, Mombasa (per Crown Agents).
Kimura, S. (Tokio) (per Sweet & Maxwell, Ltd.).
King's Inns Library (per Hodges, Figgis & Co.).
Knox, The Rt. Hon Sir Adrian (Australia).
Kotzé, The Hon. Sir J. G. (South Africa) (per Sweet & Maxwell, Ltd.).
Kramers & Son (Holland).
Kyoto, Imperial University (per Maruzen Co., Ltd.).
Kyushu Imperial University (per Maruzen Co., Ltd.).

Lahore Law College.
Lambert, G. H. (Rotterdam).
Land and Agricultural Bank of South Africa (per Juta & Co., and Walker Bros.).
Latey, W.
Lattes, S. & C. Editori (Turin).
Law Book Co. of Australasia. (3) (per Sweet & Maxwell, Ltd.).
Law Society. (4)

Lee, D. Campbell.
Lee, Professor R. W.
Leeds University Library (per Richard Jackson).
Leipzig, Bibliothek des Reichsgerichts.
Levy-Ullmann, Professor (Paris).
Lewis, H. R.
Libreria Internazionale Fratelli Treves (per Dawson & Sons, Ltd.).
Lincoln's Inn Library.
Liverpool Public Library.
Liverpool University.
Lloyd, Major H. I. (Iraq).
Loder, B. C. J. (Holland).
London Chamber of Commerce. (5)
London Library.
London School of Economics.
London University.
Los Angeles County Law Library (per The Carswell Co., Ltd.).
Los Angeles Public Library (per Stevens and Brown).
Lowernstern, R. I. (Victoria) (per Sweet & Maxwell, Ltd.).
Lowndes, The Hon. Sir George.
Lucknow University Library (Law Dept.) (per Alfred Wilson).
Lyons University (per Brentano's, Paris).

Macassey, Sir Lynden.
McCardie, The Hon. Mr. Justice.
McEnerney, G. W. (California).
McGill University Library (per W. H. Smith & Son).
McIlwraith, Sir Malcolm.
Mackenzie, Professor Norman (Toronto).
MacLeod, Sir J. M. (Tunis).
McNair, A. D.
Madras, Advocate-General.
Madras, Chief Secretary to Government.
Madras, Connemara Public Library.
Madras, Law College.
Madras, Legislative Council Library (per Dawson & Sons, Ltd.).
Madras, The Presidency College (per Dawson & Sons, Ltd.).
Madrid, Biblioteca del Colegio de Abogados.
Maida, Minoru (Japan) (per Maruzen Co., Ltd.).
Malta, Chief Clerk to the Legislature (per Crown Agents).
Manchester Incorporated Law Library Society.
Manchester Public Library.
Manchester University.
Manisty, Herbert F.
Manisty, Paymaster Captain H. W. E.
Manitoba, Law Society (per The Carswell Co., Ltd.).

Manitoba Provincial Library (per Allen & Son, Ltd.).
Manitoba University Library (per Allen & Son, Ltd.).
Maruzen Co., Ltd., Waseda Branch, Tokyo.
Massachusetts State Library (per F. W. Faxon Co.).
Matheson, Miss M. Cécile.
Matthews, Mr. Justice (Natal).
Mauritius, Officer Administering the Government. (5) (per Crown Agents).
Melbourne Public Library (per Sotheran & Co.).
Melbourne University (per David Nutt).
Merson, F.
Mesopotamia, Ministry of Justice.
Metropolitan Library, Peking (per F. W. Faxon Co.).
Mexico, Barra de Abogados (per Herman Goldberger Agency).
Meyer, Karsten (Copenhagen).
Michie, A. S.
Michigan State Library (per The Carswell Co., Ltd.).
Michigan University Law Library.
Michigan University Library (per Sotheran & Co.).
Middle Temple Library (per Butterworth & Co.).
Milwaukee Public Library (per G. E. Stechert & Co.).
Ministry of Health (per H.M. Stationery Office).
Minnesota State Library.
Minnesota University Law Library (per Sweet & Maxwell, Ltd.).
Minnesota University Library (per G. E. Stechert & Co.).
Missouri University Library (per G. E. Stechert & Co.).
Mitchell Library, Glasgow.
Montmorency, Professor J. E. G. de.
Montpellier University (per W. Muller).
Montreal Bar Library (per The Carswell Company, Ltd.).
Moore, John Bassett (New York).
Moore, Sir W. Harrison (Australia).
Moresco, Dr. E. (The Hague).
Moss, W.
Muir Mackenzie, The Rt. Hon. Lord.
Murton, Sir Walter.
Mysore, Chief Court.
Mysore Government, Secretary (per The Army & Export Buying Agency, Ltd.).
Mysore University Library (per Bowes & Bowes).

Nagasaki Higher Commercial School (per Maruzen Co., Ltd.).
Naimusho-Doboku-Kyoku-Shomuka, Tokio (per Maruzen Co., Ltd.).
Nanking, Ministry of Foreign Affairs (per Dawson & Sons, Ltd.).
Nanking, The Executive Yuan (per Dawson & Sons, Ltd.).
Napier, J. M.

Narasimhacharyulu, C. (India).
National Research Institute, Shanghai (per Dawson & Sons, Ltd.).
National Unionist Association.
Nebraska University Library (per Dawson & Sons, Ltd.).
Newfoundland, Colonial Secretary. (5)
New Guinea Trade Agency, Sydney.
Newnham College, Cambridge.
New South Wales, Agent-General.
New South Wales, Dept. of Labour and Industry.
New York Bar Association.
New York Law Institute (per Sweet & Maxwell, Ltd.).
New York Public Library (per Stevens & Brown).
New York State Library (per G. E. Stechert & Co.).
New York University (per G. E. Stechert & Co.).
New Zealand, Department of Labour.
New Zealand General Assembly Library (per Street & Co., Ltd.).
New Zealand, High Commissioner.
New Zealand, Ministry of Justice. (5)
New Zealand, Prime Minister's Department, Imperial Affairs Branch.
Nigeria, Attorney-General (per Crown Agents).
Nijhoff, M. (2)
Nobel Institute (Oslo).
Northern Ireland, Ministry of Finance.
Northern Rhodesia, Attorney-General.
North-Western University Law School.
North-Western University Library (per Stevens & Brown).
Nyasaland, Attorney-General (per Crown Agents).
Nyasaland, The Registrar, High Court (per Crown Agents).

Oddy, Josiah.
Ohio State University Library (per G. E. Stechert & Co.).
Oliver, D. T.
O'Mahony, Eoin (Dublin).
Onibuwe, Ajayi (Uganda).
Ontario, The Hon. the Attorney-General.
Ontario Legislative Library (per Allen & Son, Ltd.).
Oregon Supreme Court Library (per The Carswell Co., Ltd.).
Oregon University Library.
Oriental Library, Shanghai (per Dawson & Sons, Ltd.).
O'Sullivan, R.

Palace of Peace (Holland) (per Sweet & Maxwell, Ltd.).
Palestine, Attorney-General (per Crown Agents).
Parker, Garrett & Co.
Patent Office Library (per H.M. Stationery Office).
Patna, High Court.

Pavia University (per Dawson & Sons, Ltd.).
Pennsylvania State Library (per Mutual Subscription Agency).
Phemister Co., The N. A. (New York).
Philadelphia Law Association (per Sweet & Maxwell, Ltd.).
Philippine Library and Museum (per F. W. Faxon Co.).
Pollak, W. (Johannesburg) (per Sweet & Maxwell, Ltd.).
Pollock, The Rt. Hon. Sir Frederick.
Portsmouth, H.M. Dockyard (per H.M. Stationery Office).
Preussische Staatsbibliothek, Berlin (per Einkaufsstelle des Börsenvereins der Deutschen Buchhändler).
Price, Waterhouse & Co. (Paris.)
Princeton University Library, New Jersey (per F. W. Faxon Co.).
Privy Council Office (per H.M. Stationery Office).
Probyn, H.E. Sir Leslie.
Pryde, William.
Pyke, H. Reason.

Quebec, Deputy Attorney-General.
Queensland, Department of Justice.
Queensland, Supreme Court Library (per The Carswell Co., Ltd.).
Queensland, University of (per B. H. Blackwell, Ltd.).
Querejazu, Alfonso (Madrid).

Reading, The Rt. Hon. the Marquess of.
Reed College Library, Portland, Oregon (per G. E. Stechert & Co.).
Reed, G. S. (Adelaide) (per Sweet & Maxwell, Ltd.).
Reichsverband der Deutschen Industrie, Auskunftsstelle für Ausländisches Recht, Berlin (per Dr. Hans Preiss).
Renton, Sir A. Wood.
Repetto, L. A. (New Jersey) (per The Carswell Co., Ltd.).
Rhymer, E. T.
Ripon Law College, Calcutta (per W. Thacker & Co.).
Risley, Sir J. S.
Rothenberg Bibliothek, Jena Universität (per Sweet and Maxwell, Ltd.).
Royal Empire Society.
Royal Holloway College (per B. H. Blackwell, Ltd.).
Ruegg, His Honour Judge.
Russell Sage Foundation Library (per F. W. Faxon Co.).
Russia, Biblioteka imeni Lenina, Moscow (per J. Baer & Co.).
Russia, Publitchnaya Biblioteka, Leningrad (per J. Baer & Co.).
Ryan, M. J. (Dublin).

St. Kitts, Crown Attorney (per Crown Agents).
St. Lucia, Attorney-General (per Crown Agents).

St. Vincent, Supreme Court (per Crown Agents).
Sanderson, W. A. (Victoria, Australia) (per Sweet & Maxwell, Ltd.).
San Francisco Law Library (per The Carswell Co., Ltd.).
Sanger, Miss Sophy.
Sankey, The Rt. Hon. Lord.
Sapru, Sir Tej Bahadur (Allahabad, India) (per Butterworth & Co.).
Sarawak, Judicial Commissioner, Kuching (per C. D. Cazenove & Son).
Saskatchewan, Legislative Counsel. (5)
Saskatchewan, University of (per Dawson & Sons, Ltd.).
Schuster, E. (New York) (per Butterworth & Co.).
Sen, R. C. (Bengal) (per W. H. Everett & Son, Ltd.).
Servants of India Society (Poona) (per P. S. King & Son, Ltd.).
Seychelles, The Governor's Office (per Crown Agents).
Shanghai College Library (per Dawson & Sons, Ltd.).
Sheffield Public Library.
Shipping Federation, Ltd.
Shogyo Kenkyusho, Kobe Higher Commercial School (per Maruzen Co., Ltd.).
Sierra Leone, Attorney-General (per Crown Agents).
Simon, The Rt. Hon. Sir John A.
Slocum Library, Ohio Wesleyan University (per F. W. Faxon Company).
Social Law Library, Boston, Mass.
Social Service Council of Canada.
Solicitors Supreme Court Library (Edinburgh).
Sota y Aburto, Señor D. Ramón de la (Spain).
South Africa, Library of Parliament (per Juta & Co., and Walker Bros.).
South Africa Railway Headquarters.
South Africa, Secretary for Justice. (6)
South Australia, The Hon. the Attorney-General.
South Australia, The Hon. Chief Justice (per Coles Book Arcade).
South Manchuria Railway Co. (per Maruzen Co., Ltd.).
Southern California University (per The Carswell Co.).
Southern Law Society (Hobart, Tasmania).
Southern Rhodesia, Colonial Secretary. (4)
Squire Law Library, Cambridge.
Stanford University Library, California (per G. E. Stechert & Co.).
Steiger & Co. (New York).
Stellenbosch, University of, Law Faculty (per W. J. Allison & Co.).
Stephens, The Hon. Alex. W. (Georgia, U.S.A.).
Stoneham, R. T. D.
Straits Settlements, Colonial Secretary. (11) (per Crown Agents).
Sudan, The Hon. the Legal Secretary.
Sweet & Maxwell, Ltd.
Sydney Parliamentary Library (per Gordon & Gotch, Ltd.).
Sydney University (per Australian Book Co.).

Symon, The Rt. Hon. Sir Josiah H. (Adelaide).
Syracuse University Library, New York (per F. W. Faxon Co.).

Taft, Henry W. (New York).
Taft, The Hon. W. H. (Connecticut, U.S.A.).
Taihoku Imperial University Library (per Maruzen Co., Ltd.).
Tanganyika, The Registrar, High Court (per Crown Agents).
Tasmania, Agent-General.
Tasmania University.
Tatham, The Hon. Mr. Justice F. S. (Natal).
Texas State Library (per N. A. Phemister Co.).
Texas University (per G. E. Stechert & Co.).
Thomas, W. Bruce.
Thomson, J. H. (per Dawson & Sons, Ltd.).
Thring, Sir Arthur.
Tiskovna Zadruga (Jugo-Slavia).
Tokio-Asaki-Shimbunsha, (per Maruzen Co., Ltd.).
Tokio, Daishin-in-Kakeika (per Maruzen Co., Ltd.).
Tokio Imperial University (per Maruzen Co., Ltd.).
Tokio, The Keiogyuku Library (per Maruzen Co., Ltd.).
Tokio Seminary of Law (per Maruzen Co., Ltd.).
Tokio, Shihosho-Chosaka (Dept. of Justice) (per Maruzen Co., Ltd.).
Toronto and York Law Association.
Toronto Reference Library (per Dawson & Sons, Ltd.).
Toronto University.
Toye, D. B.
Transvaal, The Hon. the Administrator.
Transvaal University College.
Travancore, The Hon. the Dewan of.
Treasury Solicitor (per H.M. Stationery Office).
Trimble, M. (New Zealand).
Trinidad, Attorney-General (per Crown Agents).
Trinidad, Registrar of the Supreme Court (per Crown Agents).
Trivandrum, Addl. Head Sirkar Vakil.
Tyldesley-Jones, W. E.

Uganda, Attorney-General (per Crown Agents).
Uganda, Entebbe, High Court (per Crown Agents).
United Provinces of Agra and Oudh. (2)
United States Dept. of Labour Library (per P. S. King & Son).
United Tobacco Co. (South) Ltd. (Cape Town) (per Juta & Co., and Walker Bros. (London) Ltd.).
University College.
University College, Dublin (per Hodges, Figgis & Co.).
University Law College Library, Calcutta (per Cambray & Co.).
Upper Canada Law Society Library (per Sweet & Maxwell, Ltd.).

Utrecht, University Library (per J. L. Beijers).
Uzawa, F. (Japan) (per Maruzen Co., Ltd.).

Van Zyl, G. V. (Cape Town) (per Juta & Co., and Walker Bros.).
Vassar College Library (per G. E. Stechert & Co.).
Vermont State Library (per F. W. Faxon Co.).
Victoria, Agent-General. (5)
Victoria Crown Law Dept. (per Sweet & Maxwell, Ltd.).
Victoria Law Institute.
Victoria State Parliamentary Library (per Dawson & Sons, Ltd.).
Victoria University College Library (per Sotheran & Co.).
Vivier, Joseph Du (Paris).

Walton, F. P.
Wang, Dr. S. S. (Nanking), (per George Harding).
Washington, Dept. of State Library (per Stevens & Brown).
Washington State Law Library (per The Carswell Co., Ltd.).
Washington University Law Library (per N. A. Phemister Co.).
Washington University Library (per Stevens & Brown).
Washington University Library, St. Louis (per G. E. Stechert & Co.).
Waters, Rev. Dr.
Wellesley College Library (per Stevens & Brown).
Wesley University (Middleton, Connecticut, U.S.A.) (per G. E. Stechert & Co.).
West India Committee, The.
Western Australia, Crown Law Dept. (2)
Western Australia Newspaper Co. (per Sweet & Maxwell, Ltd.).
Western Australia, University of.
Western Reserve University Law School (Ohio) (per The Carswell Co.).
White & Case (New York).
Willan, W. E.
Williams College Library, Mass., U.S.A.
Williams, Miss Ivy.
Williams, Sir John Fischer (per Brentano's).
Wirth, Fredk., Jun. (Paris).
Wisconsin State Library (per The Carswell Co., Ltd.).
Wisconsin University Law Library (per N. A. Phemister Co.).
Wolfe, A. J. (Washington).
Woodcock, F. P.
Woodhouse, Sir Percy.
World's Children, Ltd., The.
Wyler, Dr. Marcus (Switzerland).
Wyoming State Library (per N. A. Phemister Co.).

Yale Law Library (per Sweet & Maxwell, Ltd.).

Yale University Library (per Allen & Son, Ltd.).
Yamazaki, Matajiro (Tokio) (per Maruzen Co., Ltd.).

Zacharias, H. C. E. (Calcutta).
Zanzibar, Attorney-General (per Crown Agents).
Zanzibar, His Honour the Chief Justice (per Crown Agents).
Zanzibar, Registrar, H.B.M. Court (per Sweet & Maxwell, Ltd.).

Grants to the work of the Society are given by the Honourable Societies of Gray's Inn (£21), Inner Temple (£21), Lincoln's Inn (£21), the Middle Temple (£21), the Law Society (£21), King's Inns (£10 10s.) and the Royal Empire Society (£5 5s.).

CONTRIBUTORS.

The thanks of the Committee are offered to the following :—

(*a*) Contributors to the Journal of the Society during the year 1928 : Sir Maurice S. Amos, K.B.E. ; Professor F. R. Beasley, B.A., LL.B. ; C. E. A. Bedwell, Esq. ; Wyndham A. Bewes, Esq. ; Sir Graham Bower, K.C.M.G. ; C. T. Carr, Esq. LL.D. ; C. J. Colombos, Esq., LL.D. ; C. R. Dunlop, Esq., K.C. ; Dr. Walther Fischer ; the Hon. Mr. Justice Frumkin ; F. M. Goadby, Esq. ; Sir Albert Gray, K.C.B., K.C. ; Professor H. C. Gutteridge, LL.D. ; the Very Rev. Dr. Hertz (the Chief Rabbi) ; Baron Heyking, Ph.D., D.C.L. ; W. H. Hill, Esq. ; Edward Jenks, Esq., D.C.L. ; Professor Berriedale Keith, D.C.L. ; the Rev. A. Keogh, S.J. ; Dr. P. O. Lapie ; H. Lauterpacht, Esq. ; Sir J. A. R. Marriott ; Carl L. W. Meyer, Esq. ; Mademoiselle Léonie Mitchell ; R. B. Mowat, Esq. ; F. O. ; A. Sabonadière, Esq. ; Professor H. A. Smith ; Professor Richard Thoma ; Ake Thulstrup, Esq. ; R. R. A. Walker, Esq., B.A., LL.B. ; F. P. Walton, Esq., LL.D. ; George J. Webber, Esq.

(*b*) Writers of the Summaries of Legislation for the Annual Review during the year 1928 : S. S. Abrahams, Esq. ; C. G. Alabaster, Esq., K.C., O.B.E. ; C. E. A. Bedwell, Esq. ; W. E. Bentley, Esq., K.C. ; Norman Bentwich, Esq., O.B.E., M.C. ; C. E. Bodington, Esq. ; Cecil T. Carr, Esq., LL.D. ; J. Christie, Esq., LL.M. ; C. J. Colombos, Esq., LL.D. ; J. Discombe, Esq. ; M. B. Dixon, Esq. ; John D. Falconbridge, Esq., K.C. ; C. B. Francis, Esq. ; J. F. Gamble, Esq., B.A., LL.B. ; C. C. Gerahty, Esq. ; Sir Reginald Gray, K.C. ; Sir Littleton E. Groom, K.C.M.G., M.A., LL.M. ; the Hon. Mr. Justice Hanna ; G. Hartog, Esq. ; W. E. Howard-Flanders, Esq. ; John D. Hunt, Esq., K.C. ; Erskine J. Ireland, Esq., LL.B. ; the Hon. Hector Josephs, K.C. ; Donald Kingdon, Esq. ; Charles W. H. Lansdowne, Esq., K.C. ; Professor Gerhard Lassar ; C. F. C. Macaskie, Esq. ; P. M. McElwaine, Esq. ; the Hon. Harcourt Malcolm, K.C., O.B.E. ; F. F. Mathers, Esq. ; the Hon. Sir Henry Moncrieff-Smith, C.I.E. ; Sir W. Harrison Moore, K.B.E., C.M.G. ; F. A. Moseley, Esq. ; E. T. Nicolle, Esq. ; N. Julian Paterson, Esq., K.C. ; A. V. Pineo, Esq. ; H. W. Prichard, Esq. ; H. Pring, Esq. ; Sir Arthur S. Quekett ; V. Rosenstein, Esq. ; the Hon. J. E. Salmon ; R. W. Shannon, Esq., K.C. ; H. J. Solomon, Esq., LL.B. ; A. E. Speight, Esq., B.A., LL.B. ; F. L. Stow, Esq., LL.D. ; A. J. Summers, Esq., K.C. ; the Hon. Mr. Justice Fabre Surveyer ; the Hon. Mr. Justice F. S. Tatham, D.S.O. ; I. J. Turbett, Esq. ; Richard Wedd, Esq. ; L. H. Whitehead, Esq. ; R. W. H. Wilkinson, Esq. ; Sir Alfred K. Young ; His Honour Judge Zichy-Woinarski, K.C.

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1928. *Cr.*

	£ s. d.	£ s. d.		£ s. d.	£ s. d.
To Subscriptions:			By Publication of *Journal*:		
Government	210 0 0		Printing vol. ix, pt. 4	141 6 0	
Non-Government	462 10 6	672 10 6	Printing vol. x, pt. 1	162 6 0	
			Printing vol. x, pt. 2	141 5 3	
„ Grants:			Printing vol. x, pt. 3	127 17 6	
Law Society	21 0 0			572 14 9	
Lincoln's Inn	21 0 0		*Add* Paper for *Journal*	47 5 10	620 0 7
Middle Temple	21 0 0				
Inner Temple	21 0 0		„ Salary of Secretary		250 0 0
Gray's Inn	21 0 0		„ Rent of Chambers	100 0 0	
Government of Fiji	10 0 0		*Less* Rent received	40 0 0	60 0 0
Royal Colonial Institute	5 5 0	120 5 0			
			„ Lighting, Heating and Cleaning of Chambers		16 2 8
„ Sales of *Journals*, including Back Numbers and Reprints	80 2 10		„ General Expenses, including Postage and Insurance		19 15 1
Less Cost of Reprints	15 16 3	64 6 7	„ Telephone		8 18 7
			„ Stationery		5 6 3
„ Sale of *Great Jurists of the World*		3 14 5	„ Audit of Accounts for the year 1927		3 3 0
„ Interest on War Loan		16 0 0			
					983 6 2
		876 16 6			
„ Cash at January 1, 1928:					
In hand	4 2 3				
At bank	243 7 5	247 9 8			
„ Subscriptions in arrear received during 1928		12 6 7	„ Cash at December 31, 1928:		
„ Subscriptions paid in advance		60 18 0	In hand	2 4 7	
„ Proceeds of Advertisements		15 19 3	At bank	227 19 3	230 3 10
		£1,213 10 0			£1,213 10 0

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 5% War Loan 1929/47 Bearer Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
March 21st, 1929.

CASH, STONE & CO.
Chartered Accountants.

INTRODUCTION.

[*Contributed by* F. P. WALTON, ESQ., LL.D.]

THE Society records its thanks to its learned contributors throughout the world, without whose generous help it would be impossible to publish these reviews of legislation.

In this year's review there are no pieces of epoch-making legislation to record. There is a vast volume of enactments, some of them important enough, but not many of which call for special notice in an Introduction.

In the *Review* of 1927 the new Property Laws in England reminded us that the day of heroic legislation is not past. On the whole, however, legislation which makes fundamental changes in the fabric of the law tends to become less common. The Parliaments of the world, or, at any rate, of those parts of it which fall within our purview, are occupied mainly with measures of a bread-and-butter character.

There is a steady increase in administrative laws and in industrial and social legislation. This leads inevitably to the practice on the part of legislative bodies of leaving the details to be settled by subordinate authorities. Many of those who are in the best position to judge are alarmed at the extent of this delegation in the United Kingdom, especially when executive bodies are invested with judicial powers, and can make decisions from which there is no appeal to the courts.

Of the laws noted in this *Review* we pick out as particularly worthy of study the Liquor Control Act of Ontario (p. 53), the Parliamentary Electorates Act of New South Wales (p. 82), the Workers' Compensation Act of New South Wales (p. 86), the Trade Disputes Act (p. 4), and the new French laws as to extradition (p. 220) and nationality (p. 222).

Uniformity of Legislation.—The tendency to take British Acts of Parliament as a model is to be observed as usual in the legislation of various parts of the Empire. The following illustrations may be given, but merely by way of examples. The process is much more general than is commonly supposed. In the Dominions and in other parts of the Empire a vast amount of legislation is copied, more or less closely, from the British model. This is particularly the case in regard to criminal law and procedure, and in the wide field of industrial and social legislation.

We note this year the Workmen's Compensation Act in Northern Ireland (p. 21), New South Wales (p. 86), (where the modifications are important), and Palestine (p. 217), the Patents, Trade Marks and Copyright Law of the Irish Free State (p. 35), the laws as to Carriage of Goods by Sea in Ceylon (p. 169), the Straits Settlements (p. 176), British Guiana (p. 200), Barbados (p. 203) and Cyprus (p. 211), all of them modelled upon the Carriage of Goods by Sea Act, 1924, which gave statutory force to the Rules adopted by the International Conference held at Brussels in 1922.

New Zealand assimilates her Bankruptcy law more closely to that of

England (p. 132), and Kenya has Ordinances on the same subject, following the English law (p. 192).

In Criminal Law and Criminal Procedure Palestine continues the process of anglicization (p. 218).

Codification of the law as a whole makes no progress in the British Empire, but the piecemeal codification of separate parts of it is always going on, and these codifying laws deal with the subject in much greater detail than is possible in general codes on the continental plan. The Province of Alberta offers two illustrations this year, one being an Act, which is in effect a code of the whole law of domestic relations, including adoption, legitimation and guardianship (p. 43), and another Act, which codifies the law as to the form and the execution of wills (p. 42).

International Law.—Two French laws are particularly important, the law of extradition of March 10, 1927, of which a full analysis is given (p. 220), and the law of nationality of August 10, 1927 (p. 222). The latter law deserves special notice in regard to the manner in which it deals with the difficult and contentious subject of the nationality of married women. It is important for us to remember that the French law admits the possibility of the husband and wife having different nationalities. An Englishman who marries a Frenchwoman may, in certain circumstances, become the father of French children.

Constitutional and Administrative Law.—It is hard to get out of the habit of speaking of the "United Kingdom of Great Britain and Ireland," but, as we all know, the "United Kingdom" now means the "United Kingdom of Great Britain and Northern Ireland" (p. 2).

Newfoundland (p. 69) and Nova Scotia (p. 47) follow the English Act of 1919 in doing away with the necessity for the re-election of a member of the legislative chamber who becomes a Minister.

In the Irish Free State (p. 27) the Public Safety Act gives very drastic powers to the Executive.

Proportional Representation seems to have been a failure in New South Wales (p. 82), which has returned to the old system of single member constituencies. The method now adopted is as follows:

The voter marks the figure 1 opposite the name of the candidate of his choice, and may give contingent votes in the order of his preference to all or any of the other candidates. When it comes to counting the votes the candidate with an absolute majority of the votes cast is declared elected, but if there be no such candidate then the candidate with the least number of first preferences is excluded and the ballot-papers previously counted to him are counted to the candidate next in the order of the voter's preference. This process of elimination and re-allocation is repeated until one candidate has received an absolute majority. In New South Wales the system seems to have achieved its object, as at the election we are told that each of the three political parties obtained practically the number of seats which the number of first preference votes cast in its favour showed that it was entitled to have.

Administration of Justice.—The abolition by the Act of the Union of South Africa to trial by jury in civil cases is a sign of the times (p. 147).

Experience in the Provinces where such cases could be tried before a jury had shown the tendency of juries to award extravagant damages in actions against the State or against a rich corporation. We note in this connexion the abolition of jury trials in civil cases in the Supreme

Court of South Australia. The only civil cases which can be tried by a jury if a judge so orders it are where the issue to be tried involves the question whether either of the parties has been guilty of an indictable offence (p. 98).

Criminal Law and Criminal Procedure.—There is little to note under this head. The Auctions (Bidding Agreements) Act tries to grapple with a form of fraud which is very difficult to get at. So long as "dealers" at sales do not give each other away their agreements among themselves are, to say the least of it, difficult to discover, though in many cases there may be strong grounds for suspecting the existence of such agreements. (p. 10). The Moneylenders Act (p. 10) is another courageous attempt and will probably do some good, though experience in many countries proves how difficult it is to prevent unconscionable moneylending transactions. So long as borrowers "must have the money" lenders will be found to supply them at a price. It is amusing to note that some of these astute gentlemen are legal antiquarians, and know how to avail themselves of archaic forms of process in places where these linger.

Trade, Commerce and Labour.—The Act of Saskatchewan as to Sales on Consignment is interesting (p. 60). Farmers who send in their products to mercantile agents for sale are very much at the mercy of the agents, and dishonesty is easy.

It would be interesting to compare the Trade Disputes Act (p. 4) with the new French law which codifies the rules as to Trade Unions (p. 222). The Workers' Compensation Act of New South Wales (p. 86) probably goes further than any previous enactment. Its definition of worker is extremely wide, and as to the right to compensation it changes the law in several important respects in favour of employees. It is no longer necessary that the injury should result from an "accident" or that it should "arise out of" the employment. It is enough that it was "in the course of" the employment.

The definition of "injury" again is exceptionally wide and the scale of compensation very liberal.

Insurance against liability for workers' compensation is compulsory.

Agriculture.—The facilitation by the State of loans to farmers is an idea which is spreading, and we may direct attention to the Rural Credit Act of New Zealand (p. 133).

Marriage, Divorce and Legitimacy.—That the disagreement of the parents of an infant who are asked to consent to his marriage should imply consent—which is now the French law—seems an odd result, but is at bottom reasonable (p. 222).

The Indian Divorce Act (p. 160) enables the Government to appoint for each High Court an officer with powers analogous to those of the King's Proctor.

Jamaica follows English law in giving a wife the right to present a petition on the ground of the husband's adultery (p. 206).

Legitimation *per subsequens matrimonium* is provided for in Trinidad (p. 210) and Gibraltar (p. 211), and some consequences of that rule in the law of succession are drawn in the new Act of Ontario, an Act which also recognizes the principle of putative marriage (p. 53).

The Marriage Act of Ontario (p. 51) raises a constitutional question of some difficulty.

Alberta has a new consolidating Act which is virtually a code of the law of Domestic Relations in that Province (p. 43).

Liquor Control.—Ontario, after a spell of drought, had a general election on the question of government sale of liquor. As a large majority of the electors supported this policy a Liquor Control Board was created, reserving to the municipalities the right to local option (p. 53).

Sex Equality.—In New South Wales a woman, whether married or not, may be appointed a member of the Legislative Council (p. 82).

Mental Deficiency.—The Act of the United Kingdom deserves study as a careful revision of the law in the light of recent experience (p. 7).

Children.—There is as usual a large volume of legislation under this head, most of it upon the lines which are now familiar. The New Zealand law as to Children's Courts (p. 137) deserves notice. In that country the term " child " now covers all persons under the age of seventeen.

Motor Traffic.—There is a good deal of regulation, but in England no serious attempt to protect the pedestrian. " Speed first " is the rule of the motorist and *sauve qui peut* the motto of the walker. We might learn a lesson from Madras, where orders are in force to the effect that all persons, irrespective of caste or creed, including the so-called " depressed classes," have equal rights to the use of the public roads (p. 162). " Depressed classes " is quite an apt term by which to describe the pedestrian in England.

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders, etc.*]

THE Parliament at Westminster passed 43 public general Acts during the session of 1927. Among the influences inducing legislation were two events of the previous year, on the one hand the Imperial Conference, on the other, the general strike. Those who are interested in the extent to which Parliament delegates the power to make laws will find that 26 out of the 43 Acts contemplate or authorize the making of Orders in Council, rules or regulations. Some critics will denounce the delegation as excessive; others may admit that in particular examples the practice is not only convenient but even necessary. The framing of rules of court, for instance, an early, common and useful type of delegated legislation, may be left with confidence to a properly constituted and representative Rules Committee unless it be maintained that no body at all must legislate except Parliament. Again, the power to assign a date for the prospective operation of enactments (by means of what is called an "appointed day" order) seems to involve no affront to the Constitution.[1] In the last paragraph of this summary further and more detailed reference will, as usual, be made to the departmental legislation of the year under review.

Improvement of the Statute Book.—If 43 new Acts were added to the Statute Book, some 350 were subtracted, thanks to consolidation and statute law revision. A good Benthamite once complained that Parliament passes statutes by wagon-loads and repeals them by cart-loads; the converse was true of 1927. Two consolidating Acts were passed, one short and one long. The short one (c. 9) neatly consolidates with amendments the four Pacific Cable Acts from 1901 to 1924. The long one (c. 14) substitutes a single orderly statute for the untidy heap of enactments dealing with poor relief in England whereof the earliest strata were deposited as long ago as 1601. The Poor Law Act, 1927, by thus clearing the field, aids the progress of local government reform, since, before declaring what is to be the law to-morrow, it is needful to know what is the law to-day. If, as mentioned anon, protests against the tangled state of unemployment insurance law were of no great avail, there was comfort in the promise of a simplified Income Tax Act.

The Statute Law Revision Act (c. 42) is the first of its kind since 1908. In a schedule over 80 pages long it sets out the dead and unrepealed

[1] For an early example *see* the Matrimonial Causes Act, 1857 (20 & 21 Vict. c. 85), s. 1.

passages in the Acts from 1901 to 1920 and, by formally repealing them (subject to the usual savings), obtains the authority of Parliament for their omission from volumes of Revised Statutes.[1]

Constitutional and Imperial.—The Imperial Conference of 1926 had recommended legislation *inter alia* to vary His Majesty's style and titles.[2] The Royal and Parliamentary Titles Act (c. 4) authorizes the variation by proclamation, but, unlike its predecessors of 1876 and 1901, gives no indication of the reason. The change related to Ireland; the resultant Proclamation of May 13, 1927,[3] substitutes the words "Magnæ Britanniæ, Hiberniæ" for "Britanniarum," and, in the English equivalent, "Great Britain, Ireland and," for "the United Kingdom of Great Britain and Ireland and of," in the previous Royal style and title. The Act also alters the style of the Parliament at Westminster, which is henceforth the Parliament of the United Kingdom of Great Britain and Northern Ireland. "United Kingdom" in all future Acts and documents is to mean Great Britain and Northern Ireland, unless the context otherwise requires. These and other changes suggest that our forty-year-old Interpretation Act might now be revised with advantage.

A section in the annual Public Works Loans Act (c. 1) confirms an agreement between the British Government and the Irish Free State by which *inter alia* the Free State discharges its outstanding liability for local loans fund payments by a twenty-year annuity of £600,000. A happy solution to a deadlock over the reciprocal recognition of professional qualifications is furnished by the Medical and Dentists Acts Amendment Act (c. 39), confirming agreements between Great Britain, the Free State and Northern Ireland respecting registration and control.

Other echoes of the Imperial Conference of 1926 are the Cinematograph Films Act (to be described presently), and the Workmen's Compensation (Transfer of Funds) Act (c. 15), which adapts the Workmen's Compensation Act of 1925 so as to arrange that a sum awarded under the law of one part of the Empire to beneficiaries resident in another part may be transferred and administered by a competent authority in the part where the beneficiaries reside. The consolidation of Acts relating to the Pacific Cable, in which three self-governing Dominions are interested jointly with the United Kingdom, has already been mentioned. A brief Colonial Probates (Protected States and Mandated Territories) Act (c. 43) extends the Colonial Probates Act of 1892.

India.—Three statutes of 1927 modify the Government of India Act in matters political, ecclesiastical and naval. The political amendment (c. 24) accelerates the date for appointing the statutory commission to inquire into the working of government, the growth of education and the development of representative institutions in British India. S. 84A of the principal Act (s. 41 of the 1919 Act) contemplated an appointment in December 1929; the acceleration enabled Sir John Simon and his colleagues to begin their inquiry forthwith. The ecclesiastical amendment is to be found in the Indian Church Act (c. 40), to be studied with the Indian Church Measure previously passed by the Church

[1] For the editions of Revised Statutes (published by H.M. Stationery Office), see a note in this *Journal*, Third Series, vol. x, pt. iv, p. 320. Two new volumes (xxi and xxii, covering the period 1901–11) were issued last December; two more (covering 1912–20) will appear shortly.

[2] *See* the *Summary of Proceedings of the Imperial Conference*, 1926 (Cmd. 2768), p. 15.

[3] See S.R. & O. 1927 (No. 422), p. 325.

Assembly. The Measure recites the expediency of dissolving the legal union between the Church of England and the Church of England in India and of providing for the constitution of the latter Church after such dissolution. The Governor-General of India will fix the " date of severance " some time between two and three years after the operation of the Measure (January 1, 1928). Thereupon the metropolitan bishop of the Indian Church will cease to be subject to the general superintendence and revision of the Archbishop of Canterbury, and the ecclesiastical law of the Church of England, so far as it exists in India, shall in India cease to exist as law. The General Council (*i.e.* the body recognized as such by the Bishop of Calcutta) will make rules for the general management and good government of the Indian Church, its property and affairs, and, from the date of severance, these rules will bind all its members. The Indian Church Measure, thus arranging for the self-government and constitution of the new Church, is supplemented by the Indian Church Act in the following respects. The Act repeals certain obstructive passages in Part X of the Government of India Act, which dealt with the ecclesiastical establishment of British India ; it prospectively terminates the system of appointing or nominating bishops for India by virtue of Crown patronage or authority ; it arranges for the incorporation of Indian Church Trustees to represent the Church and hold property for its uses ; and it preserves the services of chaplains for the benefit of the military and civilian population of the Anglican community in India. A list of " maintained churches " is scheduled to the Act ; rules under the Act may provide for vesting these churches in the Indian Church Trustees or other persons ; but, if at any time the Archbishop of Canterbury certifies to the Governor-General in Council that the Indian Church has ceased to be in communion with the Church of England, complete control of all the " maintained churches " may be resumed to the exclusion of all rights therein of any officials or members of the Indian Church. The scheme was favoured with the support of all concerned, and thus the Church in India is emancipated from a control no longer necessary and from rules of ecclesiastical law in England sometimes quite inapplicable to Indian conditions.

Lastly, the Government of India (Indian Navy) Act (c. 8) alters the Government of India Act by enabling the Governor-General in Council to raise naval forces and provide naval vessels for the purposes of the Government of India alone. In times of emergency such forces and vessels may be placed at the disposal of the Admiralty ; but, if so, the revenues of India are not (unless both Houses of Parliament consent) to be burdened with the expense while such forces and vessels are not employed on Indian defence. Consequential amendments are made in the Naval Discipline Act, and there are transitional arrangements for the passing of the Royal Indian Marine, which is the successor of the armed naval forces of the old East India Company.

Defence.—Another statute in which the Admiralty was interested is the Royal Naval Reserve Act (c. 18). It lays down fresh conditions for enlistment into the reserve, authorizes a bounty for reservists on mobilization and extends their maximum training period from 28 to 92 days. The Army and Air Force (Annual) Act (c. 7) makes fewer alterations than usual in the Army Act and the Air Force Act which, for constitutional reasons traditionally protested in its preamble, it continues for no more than another twelve months. Perhaps the most

important amendment affects section 39A of the Air Force Act, the offence of neglect in relation to aircraft and navigation being enlarged to cover acts of commission as well as of omission.

Labour and Employment.—The general strike of 1926 raised doubts of the adequacy of the existing law. The Trade Disputes and Trade Unions Act (c. 22) clarifies the position by declaring a general strike to be illegal, a point on which contrary opinions had been expressed.[1] That is to say, the Act declares any strike illegal if it—

(i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged, and

(ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community.

As the Act is not aimed at one side only in industrial conflicts, a parallel clause similarly declares a lock-out illegal if its objects have a like purpose. Anyone inciting others to take part in such illegal strikes (or lock-outs) is liable to fine or imprisonment, " provided that no person shall be deemed to have committed an offence under this section or at common law by reason only of his having ceased work or refused to continue to work or to accept employment." Opponents of this new legislation criticised the vagueness of its language, though the applicability of its terms to a particular set of facts would probably present little difficulty to magistrates or jurymen. " Strike " and " lock-out " had already been defined in s. 19 of the Munitions of War Act, 1915 (5 & 6 Geo. V, c. 54). The new Act contains similar definitions and adds that " a strike or lock-out shall not be deemed to be calculated to coerce the Government unless such coercion ought reasonably to be expected as a consequence thereof." The second section protects people who refuse to take part in an illegal strike or lock-out: they are not to be expelled from their trade unions or otherwise placed under any disadvantage; this protection was made retrospective to implement a Government guarantee given during the crisis in 1926. The third section grapples with intimidation; " peaceful persuasion " had been found in fact a livelier process than it looked on paper in s. 2 of the Trade Disputes Act, 1906. The 1927 Act forbids persons (whether acting on their own behalf or for a trade union, and notwithstanding that they act in furtherance of a trade dispute) to attend near a man's place of work or residence for the purpose of persuading him to work or abstain from working " if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace." Here, and in s. 7 of the Conspiracy and Protection of Property Act, 1875, " intimidate " is to mean—

to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependents or of violence or damage to any person or property, and the expression " injury " includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

Moreover, notwithstanding anything in any Act, it is not to be lawful for one or more persons, for the purpose of inducing anybody to work

[1] See on the one side Sir John Simon's speeches reprinted in *The General Strike* (Macmillan & Co., London, 1926); on the other, Mr. A. L. Goodhart's pamphlet, *The Legality of the General Strike* (Heffer & Sons, Cambridge, 1927).

or abstain from working, to watch or beset a house or place where he resides or the approach thereto. S. 4 alters the law of trade unions' political funds. Before 1913 unions could not apply their funds for political purposes: in that year Parliament sanctioned the application of union funds to such purposes subject to a preliminary ballot and subject to a member's right to object to contribute. The new law strengthens the power of objection by making the demand of a contribution illegal unless the member first expressly notifies his willingness to contribute: all contributions to political funds are to be levied separately and no other assets of a union are to be used for political objects. The new Act goes on to deal with employment under the State and under local authorities. Certain unions of civil servants had, during the crisis, discouraged their members from volunteering to maintain the life of the community: s. 5, asserting the State's right to loyalty in the civil service, directs that the civil service regulations shall include provisions which, while leaving Crown servants free to combine together, will bar them from membership of outside organizations. Persons employed by local or public authorities are, under s. 6, forbidden to break their contracts wilfully if they know, or have reasonable cause to believe, that the probable consequence will be to cause injury or danger or grave inconvenience to the community; this is the adoption of a rule already in force under other statutes respecting employees in gas, water and electricity undertakings. Further, no local authority is to make membership of a trade union a condition of employment. Finally, the Act authorizes the Attorney-General to apply for an injunction to restrain the application of the funds of a trade union in contravention of the statute.

Owing to severe depression in trade the original scheme of unemployment insurance has been repeatedly modified in the post-war years. The Unemployment Insurance Act of 1927 (c. 30) makes several fresh changes in the text of the principal Act of 1920, many of these being packed into the now familiar "Schedule of Minor Amendments." The law being thus discoverable only by research in the statutes of several years, Sir John Simon was moved to protest against the form of a Bill which added fresh modifications; he produced in Parliament the several necessary volumes of statutes, with markers appropriately inserted, to illustrate his complaint. Instructive debates upon this question of form took place in both Houses.[1] Several speakers reprehended the practice of "legislation by reference," a phrase used in varying senses. The Bill proposed the direct amendment of the 1920 Act; it was not an example of "legislation by reference" in the sense that it applied enactments on one subject to a new and different subject; the grievance was really against the presentment of amendments in such bare categoric form that their purport was unintelligible without examination of the passages in the earlier Act which they were destined to vary or supersede. Of this Bill, which became the Act of 1927, the main features were as follows. The insured person, if unemployed, becomes entitled to receive benefit if he fulfils the statutory conditions and is not disqualified. The chief statutory condition (introduced by s. 5 of the new Act, varying s. 7 of the 1920 Act which had been altered by s. 3 of the 1924 Act) is the payment of thirty contributions in the preceding two years; the question

[1] *See* 69 H.L. Debates, pp. 1004 (Earl Buxton), 1014 (Bishop of Southwark), 1022–4 (Lord Carson); and 211 Commons Debates, p. 1767 (Sir J. Simon).

whether this condition is complied with is to be reviewed quarterly; if the insured contributor proves that he was incapacitated by some specific disease or by bodily or mental disablement during the two years, the periods of incapacity are added to the two years, but the total must not exceed four years. If after a reasonable interval the insured contributor does not find employment in his usual trade, other employment is not to be deemed unsuitable for him merely because it is work in some other trade. New rates of contribution are prescribed for young men and young women between the ages of 18 and 21, as recommended by the Blanesburgh Committee. The weekly rates of unemployment benefit are modified; a man now gets 17*s.* instead of 18*s.*, but the allowance for his wife is 7*s.* instead of 5*s.*, so that the bachelor loses a shilling and the married man gains a shilling; a man cannot claim benefit for a woman living with him who is not his wife unless she has the care of his dependent children. There is to be a periodical investigation (once at least in every five years) into the condition of the unemployment insurance fund; grants out of the fund may be made towards the cost of approved courses of instruction. Provision is made for repayment of sums improperly received by way of benefit, for the taking of evidence on oath at statutory inquiries and for recovering from a company any sum which it may, as an employer, be ordered to pay. To the maximum fine of £20 for offences in respect of unemployment cards, books or stamps there is added the further penalty of three months' imprisonment. The Minister may now institute proceedings within twelve, instead of six, months. The law as to "uncovenanted benefit" or (as it is termed in the 1924 Act) "extended benefit," *i.e.* benefit not depending upon prior contributions, remains a complicated matter upon which Parliament has not yet said the last word; but the 1927 Act repeals the provision which made such benefit a matter of ministerial discretion.

Relief of the Poor.—The consolidating Poor Law Act (c. 14) has already been mentioned. Some of the enactments it reproduces were hundreds of years old; the consequent difficulties of draftsmanship are mentioned in the Joint Select Committee's Report.[1] Labour members of Parliament insisted on preserving (as s. 39 of the new Act) one provision which the Report deemed obsolete—namely, the power of boards of guardians (under 59 Geo. III, c. 12) to employ poor persons at wages on the cultivation of land.

Differences between the English and Scottish systems of poor relief are revealed by the Poor Law Emergency Provisions (Scotland) Act (c. 3). Formerly there was no power to give relief to an able-bodied person in Scotland, though in England this had been possible since the time of Elizabeth. In 1921 Parliament temporarily allowed destitute able-bodied persons to receive relief in Scotland; the 1927 Act prolongs this concession. Further, no relief could be given in Scotland to the destitute dependents of destitute able-bodied persons unemployed by reason of a trade dispute. The 1927 Act retrospectively legalizes the grant of poor relief by parish councils in Scotland during the trade disputes of 1926 and subsequently, and the national Exchequer undertakes to contribute 40 per cent. of the cost of expenditure thus incurred by the local authorities.

The extravagance of certain local authorities over poor relief in

[1] First Report of the Joint Select Committee on Consolidation Bills (No. 50), 1927.

England led to the passing of the Audit (Local Authorities) Act (c. 31). The old remedy was for the district auditor to surcharge the persons responsible; if they would not pay and had no goods to be distrained upon, they could be sent to prison. The new Act gives the more practical remedy of five years' disqualification for membership of any local authority if the amount in question exceeds £500. At the same time an improved procedure is laid down for appealing against a district auditor's decision. In any matter over £500 a person aggrieved may go to the High Court; in any other matter he may appeal either to the High Court or to the Minister of Health; a case may be stated for the opinion of the Court at any stage of an appeal to the Minister. Finally, there is a simplified method of recovering summarily any sum certified by a district auditor to be due.

Treatment of Mental Deficiency.—The Prison Commissioners' annual reports had often drawn attention to a flaw in the working of the Mental Deficiency Act of 1913 which brought to the prisons a type requiring treatment in special institutions. The 1913 Act contained preliminary definitions of (*a*) idiots, (*b*) imbeciles, (*c*) feeble-minded persons and (*d*) moral imbeciles; these definitions insisted that the condition of mental deficiency must have existed in the first three categories "from birth or from an early age" and in the fourth category "from an early age." It was often impossible to ascertain and prove the early history of a mental defective and thus the value of the Act was lost. Nor did the Act deal adequately with the duty of making institutional treatment available for cases of *encephalitis lethargica*. The Mental Deficiency Act of 1927 (c. 33) substitutes four fresh categories, omitting the references to birth or early age; the fourth category of "moral imbeciles" now becomes that of "moral defectives"—

that is to say, persons in whose case there exists mental defectiveness coupled with strongly vicious or criminal propensities and who require care, supervision and control for the protection of others.

Mental defectiveness in this connexion is defined as a condition of arrested or incomplete development of mind existing before the age of 18 years, whether arising from inherent causes or induced by disease or injury. The Act also makes possible the institutional treatment of defectives on representation to the local authority by the parent or guardian that the patient needs care or training which cannot be provided in his own home. It allows a defective to be either sent to an institution or placed under guardianship, and arranges for his disposal notwithstanding the absence abroad of the parent or guardian. Where there is a criminal charge, the 1913 Act provided for postponement of sentence pending application for an order for the detention of the accused in an institution; but if nobody applied, an accused person might escape justice altogether: the new Act closes this loophole. Local authorities are empowered to arrange for periodical medical examination of a defective absent from an institution under licence or otherwise, and to take cases under contract from other local authorities. It now becomes the duty too of a local authority to provide suitable training or occupation for defectives who are under supervision or guardianship or have been sent to certified institutions.

Nursing and Maternity Homes.—Maternity homes required registration under Part II of the Midwives and Maternity Homes Act, 1926,

which applied to the whole of England a system previously in force in a few localities only. In 1927 the law was changed by requiring the registration and supervision of all nursing homes, a maternity home being treated as merely one kind of nursing home. The Nursing Homes Registration Act of 1927 (c. 38) thus is able to repeal Part II of the 1926 Act; it also gives effect to this repeal by the rather unusual step of repealing the relevant words " and Maternity Homes " in the short title of that Act. County and county borough councils are to be the local supervising authorities for nursing homes in England. They will register applicants for registration unless the applicant fails to satisfy them of his own and his employees' fitness, the adequacy of the situation, premises, staffing or equipment, the propriety of the purposes of the home, the qualifications of resident doctor or nurse in charge, the number of nurses, etc. Carrying on a nursing home without registration is an offence, but the Minister of Health may exempt " Christian Science houses " if they adopt and use that name, and the local authority may exempt hospitals or institutions not carried on for profit. Registration may be cancelled for good cause and any person aggrieved by refusal or cancellation of registration has an appeal to a court of summary jurisdiction, both sides having a further right of appeal thence to quarter sessions. Local by-laws may prescribe the keeping of records and the notification of deaths, and provision is made for inspection. The Act does not apply to the hospitals or premises of a Government department or local authority or to institutions already governed by the Lunacy Act, 1890, and the Mental Deficiency Act, 1913. There is a special application clause for London. The Act applies to England only; for Scotland provision is made by the Midwives and Maternity Homes (Scotland) Act, 1927 (c. 17), which closely resembles the English Act of 1926.

Purity of Food.—The Sale of Food and Drugs Acts, while endeavouring to secure that a purchaser shall receive articles which are of the nature, substance and quality demanded and not injurious to health, have been administered with a wide diversity of magisterial standards in respect of the exact degrees of purity required or adulteration tolerated. Regulations under the Public Health (Regulations as to Food) Act, 1907 (and kindred enactments), may prescribe the composition of any article of food or drink intended for sale and may prohibit or restrict the addition of any preservative or other ingredient or material. The Sale of Food and Drugs Act, 1927 (c. 5), declares that a purchaser of any such article shall, unless the contrary is proved, be deemed to have demanded an article complying with the regulations in respect of the constituents, ingredients or materials specified in the regulations; the addition of any ingredient or material in contravention of the regulations is to be deemed to render the article injurious to health. On the other hand, the addition of any preservative or other ingredient or material within the maximum permitted by the regulations is not to cause the article to be deemed injurious to health. The 1927 Act and its predecessors disappear (except for Northern Ireland) in the 1928 consolidation.

Agriculture.—The Diseases of Animals Act (c. 13) simplifies the procedure for dealing with cattle plague, pleuro-pneumonia and foot-and-mouth disease: henceforth the Minister of Agriculture will be able to issue departmental orders (as he could already do in the case of other diseases such as swine fever) declaring places or areas to be infected with these three diseases also. The Minister is given a discretion as to the

slaughter of animals which have been in contact with animals affected with cattle plague ; the use of an immunizing agent can thus be tried, and great waste of life and public money may be saved. He may also order the immediate slaughter of imported animals found liable to be slaughtered—a power required for dealing with tuberculosis. The Act has other provisions for fees and for increasing penalties.

A short Destructive Insects and Pests Act (c. 32) enables the inspectors of the Minister to remove or destroy crops infected with destructive insects, " crop " including seeds, plants or any part thereof, and " insect " including " bacteria and other vegetable or animal organisms and any agent causative of a transmissible crop disease." Compensation may be paid within a specified maximum and penalties are increased. The destruction of insects such as cut-worms and leather-jackets is promoted by the Protection of Animals (Amendment) Act (c. 27). A protecting Act of 1911 forbade the placing of poisoned grain or flesh on land, with a proviso that it should be a good defence if the accused proved that he placed the poison for the purpose of destroying " rats, mice or other small vermin " and that he took " all reasonable precautions to prevent access thereto of dogs, cats," or (in a rather Greek idiom) " fowls or other domestic animals." The new Act substitutes a different proviso on the lines of s. 7 of the Protection of Animals (Scotland) Act, 1912. It will now be a good defence to show that the poison was placed for the destruction of " insects and other invertebrates " as well as " rats, mice or other small ground vermin " ; the accused must also show that what he did was " necessary in the interests of public health, agriculture or the preservation of other animals domestic or wild or for the purpose of manuring the land," and, in addition, that he took " all reasonable precautions to prevent injury thereby to dogs, cats, fowls or other domestic animals and wild birds."

Administration of Justice.—The Criminal Appeal (Scotland) Act (c. 26) makes retrospective the power given by s. 19 of the Act of 1926 for the Secretary of State for Scotland to refer cases to the High Court of Judiciary, thus enabling the case of Oscar Slater to be reopened.

The movement, visible in recent English legislation, towards standardizing the appointment, whole-time service and superannuation of officials of various courts, is extended by the Sheriff Courts and Legal Officers (Scotland) Act (c. 35). The appointment of sheriff clerks (by the Secretary of State for Scotland) and of procurators fiscal (by the Lord Advocate), their " deputes," clerks and assistants, the filling of vacancies and the tenure of office are regulated with the usual transitional arrangements for existing officers. The commissary clerk of Edinburgh is deemed a sheriff clerk for these purposes and power is given to unite his office with that of the sheriff clerk of Midlothian and the sheriff clerk of chancery. The Lord Advocate, after consulting the Treasury, may direct in the case of any class of statutory offences that all prosecutions in the sheriff court be taken at the instance of the procurator fiscal and that any fines imposed or expenses awarded to the latter be paid into the Exchequer, whence his expenses will be reimbursed. General provisions of the Act *inter alia* allow the Court of Session to prescribe forms of procedure for various minor matters ; words in the Workmen's Compensation Act are repealed which dispensed with court fees in respect of any court proceedings by or against a workman prior to the award ; a small fee may now be charged on applications to the

sheriff for consent to the exemption of a sheep-dog from the excise duty on dog licences.

Criminal Law and Police.—Removing doubts as to the attitude of the criminal law towards auction "rings," the Auctions (Bidding Agreements) Act (c. 12) punishes with fine and imprisonment a dealer who offers or receives any gift or consideration by way of inducement to abstain from bidding. "Dealer" is defined as one who in the normal course of his business attends sales by auction for the purpose of purchasing goods with a view to reselling them. Sales effected by transactions of this nature may (as against a purchaser who was a party to the transaction) be treated by the vendor as sales induced by fraud. There is a safeguard for a *bona fide* agreement to purchase goods on joint account, if a copy of such agreement has been deposited with the auctioneer before purchase. Prosecutions in England are not to be instituted without consent of one of the Law Officers. A copy of the Act is to be exhibited in auction rooms.

A right of appeal to a Secretary of State is given by the Police (Appeals) Act (c. 19) to members of police forces who are dismissed or required to resign. The Secretary of State, unless he thinks the case can properly be determined without oral evidence, will appoint a tribunal to make inquiry and report; when the case has been fully examined he can either allow or dismiss the appeal or vary the punishment. Unless he orders the appellant to pay his own costs, costs will come out of the police fund. Both sides may (if the tribunal consents) be represented by counsel or solicitor.

Moneylenders.—The Moneylenders Act (c. 21) is, as it was intended to be, a vigorous interference with an unpopular trade. Henceforth every moneylender must take out an annual licence; if he takes it out in any name other than his true name, or if he carries on his business without a licence or enters into any transaction otherwise than in his authorized name, he commits an offence and is liable to an excise penalty of £100, which is substantially increased for a second or subsequent offence. He cannot have a licence unless he has first been granted a certificate by a petty sessional court. The certificate can be refused on various specified grounds; if granted, it must show the holder's true name and his "authorized" business name and address. He must not use the word "bank" or otherwise imply that he carries on banking business. Certificates can be suspended or forfeited and moneylenders can be disqualified on conviction for certain offences such as fraud, dishonest concealment of material facts or inciting infants to borrow, but there is a right of appeal. The new restrictions on a moneylender's course of business include the following: the documents he issues must state certain particulars; no circulars or advertisements of his name, address or telephone number are to be sent to anyone except on written request; newspaper advertisements are limited; compound interest is not to be charged, nor must there be any charge for costs or incidental expenses; the moneylender is obliged to supply the borrower (on the latter's reasonable demand in writing and on tender of a shilling for expenses) with information of the state of the loan as well as with copies of documents. In addition, no contract for repayment by a borrower, and no security given by a borrower, is to be enforceable unless (in a familiar phrase) a note or memorandum in writing of the contract be made and signed personally by him and unless a copy of the note or

memorandum is sent him within a week of the making of a contract. The note or memorandum must contain all the terms of the contract, and in particular the date of the loan, the amount of the principal and either the rate of interest charged per cent. per annum or the rate represented by the interest charged as calculated according to certain rules scheduled to the Act. In bankruptcy proceedings for moneylenders' loans the interest is, for the purposes of presenting a petition, voting at meetings, compositions and schemes of arrangement, to be calculated at a rate not exceeding 5 per cent. per annum, but this is not to prevent the creditor receiving any higher rate of interest to which he may be entitled when all the debts proved in the estate have been paid in full. Under the Act of 1900 a borrower could ask the court to reopen and revise a "harsh and unconscionable" moneylending transaction where the interest charged was excessive or where a court of equity would otherwise grant relief. Under the new Act, unless the contrary be proved, the court is to presume that the interest is excessive and that the transaction is harsh and unconscionable if the rate of interest in fact exceeds 48 per cent. per annum; in any such proceedings the court may order the endorsement of the moneylender's certificate. There had been strong suspicion that moneylenders availed themselves of the archaic procedure of unreformed inferior courts such as the Derby Borough Court of Record in order to put pressure upon borrowers and their advisers to whom this procedure might be unknown. The Act provides that no moneylender's action is to be brought in any inferior court other than a county court unless an Order in Council directs that an inferior court shall have such jurisdiction; the Order in Council may provide for the making of rules of procedure and thus it can be secured that no borrower will be harassed by anachronisms of legal process. Other parts of the Act deal with the limitation of time for moneylenders' actions, with the assignment of moneylenders' debts and with pawnbrokers' loans, and there are special provisions for companies.

Finance.—In the Finance Act (c. 10) the Chancellor of the Exchequer meets the abnormal losses due to the general strike and trade disturbances by extemporizations. "Schedule A" tax on the landlord on the annual value of his property is collected in one lump in January instead of in two instalments in January and July; the month's indulgence allowed to brewers under the 1926 Act for payment of the excise duty on home-brewed beer is cancelled, so that 13 months' duty is obtained for the Exchequer in the year; further, the cash balance and investments of the Road Fund (to an extent not exceeding £12,000,000) are transferred to the Exchequer. The exemption of motor-car tyres from the customs duties known as the McKenna duties is repealed. The customs duty on matches is increased and is charged on the box instead of on the number of matches; the wine and tobacco duties are increased and the dividing line between light and heavy wines is differently drawn. A "safeguarding" duty of 28*s.* per hundredweight is charged on imported translucent or vitrified pottery. A small provision as to cinematograph films is due to a recent decision of the Court of Appeal. Other customs and excise provisions relate to the betting duty, the bottling of spirits in warehouses, mechanically-propelled vehicles duty, spirits, and the obtaining of information from the importers, manufacturers, sellers or users of certain alcohols. The income tax and super-tax provisions are inevitably complicated. The profits of trades carried on by charities

receive a carefully framed exemption; special directions are given for the payment of income tax on certain copyright royalties by deduction; several sections deal with the possible relief in respect of losses; and fresh provision is made as to assessments by, and appeals from, the Special Commissioners. That part of the Act which deals with super-tax seeks to prevent evasion by non-distribution of income of small private companies, s. 21 of the 1922 Act being elaborated and applied to interconnected companies. An attempt is also made to limit the evasion of super-tax by selling shares cum dividend; relief is given in respect of purchases cum dividend and also where the income attributable to a period exceeding a year is received in one year. Super-tax is to cease after the year 1928–9; it will then be replaced by a sur-tax (explained below as a deferred instalment of income tax) payable at the beginning of the year in 1930 and onwards. This prospective change, which will doubtless take many taxpayers by surprise when it begins to operate, is part of a scheme of tax simplification. The Chancellor claimed the following steps as progress towards clarity. First, Schedule E taxation (dealing with salaries) is transferred to the basis of the preceding year. Secondly, there is to be a single graduated tax on income. Income tax for the year 1928–9 (and after), instead of being charged at a single rate, is to be charged at a standard rate; if the taxpayer's total income from all sources exceeds a stated amount, the tax will be charged at a rate or rates exceeding the standard rate in respect of the income in excess of the stated amount. Previous income tax enactments will apply as if income tax for the year were charged at the standard rate only; where the taxpayer's total income exceeds the stated amount, the amount of the income tax so charged is to be deemed an instalment at the standard rate of the amount of income tax for which he is chargeable for that year.

> Where the amount of income tax payable by an individual for that year in respect of his total income is greater than the amount which would have been payable by him in respect thereof if income tax had been chargeable at the standard rate only, the difference between those two amounts (in this Part of this Act referred to as "sur-tax") shall be computed, assessed, charged, collected and paid as a deferred instalment of income tax according to the provisions of this Part of this Act relating to sur-tax.

Thirdly, the Chancellor announced that a body of experts would examine the Income Tax Acts and re-write them in clearer and more modern language. They were consolidated in 1918; the law is now, it seems, to be codified, but early results are hardly to be expected. The rest of the Finance Act contains provisions for increasing the New Sinking Fund by £15,000,000 for the current year, gives some relief from capital and transfer stamp duty in the case of reconstructions or amalgamations of companies, and makes the repeated stamping of powers of attorney in certain cases unnecessary. It also gives relief from double taxation in certain cases where succession duty is payable in Northern Ireland.

In addition to the Finance Act there are the usual Acts for Appropriation (cc. 11 and 25), the Consolidated Fund (c. 2), Isle of Man Customs (c. 20), Public Works Loans (cc. 1 and 28) and an Act for appointing additional land tax commissioners (c. 16). The Superannuation and Other Trust Funds (Validation) Act (c. 41) allows property to be held on trust and income accumulated for the purpose of reducing the National Debt, notwithstanding the rule of law which prevents indefinite accumula-

tions of income. The rest of the Act similarly protects the funds of undertakings in Great Britain intended to provide superannuation allowances to retired employees, pensions for widows or sums on death. A decision of Mr. Justice Russell had held that the trusts governing funds of this kind were invalid because they infringed the rule against perpetuities. The Act protects the funds from that rule provided that they are registered by the Registrar of Friendly Societies, who will first satisfy himself that they are qualified for registration. He may also delete any passages in the rules of the fund which were inserted for the purpose of avoiding the rule against perpetuities, and he may make any consequential amendments.

Cinematographs.—The Imperial Conference of 1926 had paid attention to the possibility of stimulating the production and marketing of British films. With this object the Cinematograph Films Act (c. 29) first restricts blind booking and advance booking of films. Next it requires the registration and marking of films (the register to specify whether the film is British or foreign) and it prohibits the exhibition of unregistered film. Then it provides for a quota of British films. The renter (or middleman) must take, and the exhibitor must show, every year for ten years a scheduled proportion (known respectively as the "renter's quota" and the "exhibitor's quota") of registered British films. Both renter and exhibitor must take out a Board of Trade licence and must furnish returns as required. The Act also sets up an Advisory Committee; it specifies the films to which it is to apply; it names the characteristics of a British film; and it gives a power to make departmental regulations. Similar legislation may be expected in oversea Dominions.

Lighting of Vehicles.—Originally a private member's Bill, subsequently adopted as a Government measure, the Road Transport Lighting Act (c. 37) substitutes uniformity for the diverse provisions contained in eight Acts, two Orders and unnumbered local by-laws. It defines the "hours of darkness" as the period from one hour after sunset to one hour before sunrise during summer-time, and half an hour after sunset to half an hour before sunrise during the rest of the year. During that period every vehicle must carry two white lights to the front and one red light to the rear. The Minister of Transport may wholly or partially exempt vehicles carrying explosive or inflammable goods, vehicles standing in a proper parking-place and vehicles drawn or propelled by hand; he may also prescribe distinctive lights for public service vehicles and those used for naval, military, air force or police purposes or as ambulances. No vehicle must show a red light to the front, or other than a red light to the rear; bicycles without a side-car and pedal tricycles need have only one white light in front; pedal bicycles and pedal tricycles need not show a red light to the rear if they have an unobscured and efficient red reflector. The angle of the beam of light and various other matters may be prescribed by regulations; swivelling lights (other than dipping head lights) are restricted. Special provision is made for horse-drawn vehicles (with a concession for those carrying agricultural produce of an inflammable nature in the course of the internal operations of the farm), vehicles with overhanging or projecting loads or towing or being towed. The Act does not apply to Northern Ireland, nor to railway rolling stock, tramcars or trolley vehicles; but it applies to machines or implements drawn or propelled along roads by animal or mechanical power as it applies to vehicles.

Landlord and Tenant.—The Landlord and Tenant Act (c. 36) seeks to remedy grievances which a few hard cases had made conspicuous. Interfering (like the rent restriction legislation) with the contractual relationship of landlord and tenant in England, it invokes the standard of what is reasonable, and refers the question of reasonability to a tribunal which is to be *prima facie* the county court of the district but by agreement or on application may be the High Court ; if proceedings begin in a county court and are not transferred to the High Court, the matter is to go for inquiry and report to a referee from a panel appointed by a Reference Committee consisting of the Lord Chief Justice and other independent persons. Part I of the Act relates to business premises only. It gives an outgoing tenant the right to compensation for his improvements, thus extending a principle already tried in agricultural holdings and in Irish town tenancies. The amount of the compensation is not to exceed either (*a*) " the net addition to the value of the holding as a whole which may be determined to be the direct result of the improvement," or (*b*) " the reasonable cost of carrying out the improvement at the termination of the tenancy " subject to appropriate deductions. In default of agreement, questions as to the right to compensation or as to the amount are to be settled by the tribunal. The tenant cannot have compensation for improvements made before the Act begins, nor for those which he is anyhow obliged to make under contract or statute, nor for those made less than three years before the tenancy ends, nor if the landlord offers a renewal of the tenancy on reasonable terms. If renewal is thus offered, the tribunal fixes the rent as that which it thinks a willing lessee other than the tenant would agree to give and a willing lessor would agree to accept. Before a tenant proposes to make an improvement, he is to serve the landlord with a notice, specification and plan ; if the landlord notifies his objection within three months, the tenant may apply to the tribunal. If the tribunal is satisfied that the improvement (*a*) is calculated to add to the letting value at the end of the tenancy, and (*b*) is reasonable and suitable to the character thereof, and (*c*) will not diminish the value of other property belonging to the same landlord, it may certify the improvement to be proper. But the tribunal is not to certify thus if the landlord proves that he offered to execute the work in consideration of a reasonable increase of rent. If any improvement is either not objected to by the landlord or is certified proper by the tribunal, the tenant may execute the proposed work notwithstanding anything in any lease of the premises. The Act goes on to allow a tenant of business or trade premises compensation for goodwill if he proves to the tribunal that he or his predecessor have for not less than five years carried on a trade or business and that goodwill has thereby attached to the premises whereby they can be let at a higher rent. There are certain limitations on this concession to tenants—for instance, if a government department or local authority takes possession of the premises for public purposes, or if the landlord offers the tenant a renewal at a rent and for a term which the tribunal thinks reasonable. There are further provisions as to the tenant's right to a new lease and the landlord's right to offer alternative accommodation, and there is a restriction on contracting out of the statute. Part II of the Act has some general amendments of the law of landlord and tenant. A landlord is not to have damages for the tenant's failure to leave a property in good repair if the premises are to be pulled down forthwith. Where there is a

covenant not to assign, etc., without licence or consent, the landlord is in future not to withhold consent unreasonably; thus Parliament makes universal a stipulation which conveyancers usually insert. Such are the main provisions of an intricate piece of legislation not unlikely to make a copious contribution to the columns of the law reports.

Administrative Arrangements.—The Forestry Act (c. 6) increases the number of Forestry Commissioners from eight to ten. With respect to land under their management or control, the Commissioners may make and enforce by-laws for preservation of the timber, for preventing the disfigurement of amenities and for regulating the reasonable use of the land by the public for exercise and recreation. The Crown Lands Act (c. 23) incorporates the Commissioners of Crown Lands, formerly known as the Commissioners of Woods and Forests; they are given various powers, similar to those conferred by the Settled Land Acts on limited owners, of making leases, granting land for public and charitable purposes, dedicating land for streets and open spaces, and so on. Provision is made for purchases and sales of lands, for payment for improvements out of capital, and for the exchange of houses in royal parks for other houses, subject to a measure of Treasury control. There are sundry amendments of the earlier Crown Lands Acts, and certain ecclesiastical responsibilities of the Commissioners under an old statute for the maintenance and repair of chapels in the Forest of Dean are handed over to the diocese of Gloucester.

Expiring Laws Continuance.—Various temporary enactments are prolonged for a further year or some other period by the annual Expiring Laws Continuance Act (c. 34). Amongst them are the London Traffic Act, 1924, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and s. 1 of the Aliens Restriction (Amendment) Act, 1919. No success attended an attempt to make the last-named enactment permanent.

Church Assembly Measures.—Three Church Assembly Measures received the Royal Assent in 1927 after complying with the formalities prescribed by the Enabling Act of 1919. The Indian Church Measure (No. 1) has already been described in connexion with the Indian Church Act. The Clergy Pensions (Amendment) Measure (No. 2), amending the Clergy Pensions Measure of 1926, provides for compulsory contributors who become voluntary contributors and then revert to compulsory contributorship again. The New Dioceses (Transitional Provisions) Measure (No. 3) empowers the Church Assembly to arrange for the "transitional period" between the foundation of a new bishopric and the next election to the House of Laity and for the constitution or reconstitution of the Diocesan Conference of any new diocese concerned.

Departmental Legislation.—The Statutory Rules and Orders registered during 1927 numbered 1,349, a slightly lower total than that of the previous year: 445 were general and 904 local. Any comparison of these figures with the number of Acts of the year is fallacious, since the rules and orders are made under statutory powers contained in the Acts of many years. There are the usual provisions for the administration of education, health and unemployment insurance and contributory pensions, rules of procedure (for the county court and Supreme Court, for the Chancery Court of the County Palatine of Lancaster and for appeals to the Judicial Committee from Cyprus), a consolidated set of

Supreme Court Funds Rules, and orders relating to fees of all kinds. The lengthy schedules of standard charges settled by the Railway Rates Tribunal for the four large amalgamated railways are important; their date of operation determines the "appointed day" for the commencement of various sections of the Railways Act, 1921. To single out a few further specimens, there are, as in previous years, groups of subordinate legislation framed under the Post Office Act, the London Traffic Act and the Government of India Act. Mention should also be made of the Registration (Births, Still-births, Deaths and Marriages) Consolidated Regulations which give effect to changes in the law made by Parliament in 1926. This code of regulations contains *inter alia* arrangements for the new compulsory registration of still-births; it also tightens the system of death registration. Part IX in particular is interesting; it prescribes the cases in which the registrar must report to the coroner before registering a death, *e.g.* cases where the medical certificate indicates abortion or various forms of poisoning, deaths *prima facie* unnatural or suspicious or due to accident, violence or neglect, deaths after surgical operations or under anæsthetics, and deaths where the certifying medical practitioner did not see the deceased either after death or within fourteen days before it. Those who wished to see medical inspection after death made compulsory as a precaution against crime or premature burial wished that the law here might have been more stringent. In the field of local government three statutory orders of 1927 supplement the Rating and Valuation Act of 1925. That Act having abolished the overseers (parochial officials created in 1572 for the local administration of the poor law and afterwards endued with various other duties), the Overseers Order, 1927, works out the disposal of these abolished officers' functions; another Order contains a time-table of dates at which the various repeals effected by the 1925 Act are to operate; lastly, the Isles of Scilly Order, 1927 (the equivalent of a local Act in itself), adapts the 1925 Act to an area where geographical conditions require exceptional arrangements.

The official volume of Statutory Rules and Orders of 1927 deserves study in connexion with recent criticisms of the extent of departmental legislation. If social services like education and health insurance are to be maintained and developed, if the central departments are to exercise the control and supervision now expected of them, if legislation is constantly to invade fresh fields, it would seem inevitable that Parliament should delegate legislative power. It seems hardly possible to set the clock back and demand that Parliament shall have the sole and exclusive right to legislate and that it shall give personal and direct attention to every detail. Regulations like those made in 1927 under the Therapeutic Substances Act of 1925 are an example of the technical matters with which Ministers and departments have been permitted to deal. Provided that matters of principle and of substance are reserved for Parliament itself, provided that (as is usually the case with vigilant and well-organized interests) those concerned have been consulted in advance, provided that the Minister can be called to account for any wrongful or excessive exercise of his powers, and provided that full publicity can be secured, then the system of departmental legislation has advantages of elasticity, promptness and technical knowledge which may be set against the dangers of encroachment by the executive upon the citizen's liberty.

2. JERSEY.

[*Contributed by* E. T. Nicolle, Esq., *Vicomte of Jersey*.]

The legislation passed in Jersey during the year 1927 is not of sufficient importance to warrant a summary in this *Review*.

3. NORTHERN IRELAND.

[*Contributed by* Sir Arthur S. Quekett, K.C., LL.D.]

The third session of the second Parliament of Northern Ireland was opened on March 15 and prorogued on December 21, 1927. Twenty-three public general Acts were passed into law, and five local Acts. The Trade Disputes Act and the Intoxicating Liquor and Licensing Act took up a large share of the time of the House of Commons during the autumn portion of the session, which extended from October 11 until the prorogation.

Agriculture and Rural Industries.—An opportunity to promote the work of agricultural research presented itself to the Government of Northern Ireland when they accepted from His Majesty's Office of Works a conveyance of the Great Park at Hillsborough, which forms part of the lands of Hillsborough Castle—now occupied as a residence by the Governor. An agreement was made for the establishment within the Park of an "Agricultural Research Station" for carrying out research in animal nutrition, and conducting experiments relating to animals and to crops. The management of this Station was undertaken by Trustees representative of the Ministry of Agriculture, the Faculty of Agriculture of the Queen's University of Belfast, the Ulster Farmers Union and the Ulster Agricultural Organization Society. The Trustees were permitted to have the use of 485 acres of the Park for the purposes of their Station; and the Ministry of Finance agreed to pay £30,000 for the erection of buildings and other capital purposes, and a further £30,000 as an endowment to provide for the maintenance of the Station and its administration. The Agricultural Research Station Act (c. 1) confirms this agreement, and gives effect to it by incorporating the Trustees as "the Agricultural Research Institute of Northern Ireland," and by authorizing the payment out of moneys voted by Parliament of the sums required for the Capital and Endowment Funds.

The Dogs Act (c. 3) is intended to serve the interests of the agricultural community by protecting cattle, horses and sheep from injury due to their being chased or worried by dogs. The effect of the Act is to enlarge the number of cases in which it is lawful to shoot dogs in such circumstances. This is achieved by enabling owners or occupiers of land and owners of cattle to plead, as a defence to an action for damages for the shooting of a dog, that the dog was shot when chasing or worrying cattle, etc., on land on which the animals were kept or depastured.

The Horticultural Produce (Sales on Commission) Act (c. 6) is similar to an Act [1] passed in Great Britain in 1926, following a recommendation of Lord Linlithgow's Committee on distribution and prices.[2] Its object is to regulate the sale on commission of horticultural produce, *i.e.* vege-

[1] 16 & 17 Geo. V, c. 39.
[2] *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 4.

tables, fruit, flowers and plants. The Act provides, under penalties, that the salesman must keep certain records in respect of horticultural produce consigned to him for sale on commission, and must deliver certain particulars to the owner or consignor of the produce.

An Agricultural Development Fund is set up by s. 3 of the Exchequer and Financial Provisions Act (c. 10), which authorizes the issue out of the Consolidated Fund of a sum of £40,000 for this purpose, and provides that the new Fund shall be applied towards schemes of agricultural development to be administered by County Committees or Joint Committees of Agriculture.

Housing.—The Labourers' Cottages (Loans) Act (c. 4) provides for a parliamentary grant in aid of the repayment of loans obtained by rural district councils for the capital expense of erecting cottages for agricultural labourers. This grant supersedes the grant previously payable (under 13 & 14 Geo. V, c. 23) in aid of the repayment of advances made to rural district councils by the Irish Land Commission or the Land Purchase Commission, Northern Ireland, on "land purchase terms."

By the Housing Act of 1923 [1] the Ministry of Home Affairs was empowered to make grants to persons or bodies of persons constructing houses, and to local authorities undertaking housing schemes. This power, originally limited to the case of houses completed before April 1, 1925, was kept in force by a series of subsequent enactments, and by the Housing Act, 1927 (c. 15), the governing date is made April 1, 1929. At the same time the dimensions contained in the statutory specification are reduced. The Act of 1923 had prescribed a maximum measurement of 950 superficial feet, and for this figure the Act of 1927 substitutes 650; the original minimum measurement was 600 superficial feet, reducible in the special circumstances of a particular locality to 550, and this becomes, in the later Act, 500 in rural districts and 550 elsewhere.

S. 4 of the Exchequer and Financial Provisions Act (c. 10) also makes a contribution towards the provision of small houses in Northern Ireland, by authorizing the issue of an Exchequer grant, not exceeding £30,000, for that purpose to the "Irish Sailors' and Soldiers' Land Trust" —the body which was established by the Imperial Parliament, as part of the Irish constitutional settlement of 1922, for carrying out the land settlement of ex-servicemen in Ireland generally. The grant is payable on the basis of £80 for each house constructed, and complying with the conditions as to type, size and workmanship laid down for the general housing subsidy; the reduction of dimensions effected by the Housing Act, 1927, does not, however, apply in the case of "Land Trust" houses.

Rent and Mortgage Interest Restrictions (Amendment).—C. 18 was passed in order to stop certain abuses which had come into being in the case of dwelling-houses within the Act of 1920. S. 1 is directed against evasions of rent control by the making of alleged "furnished" lettings. It enacts, as regards houses of a rateable value of £8 and under, that the rent "shall not, in any circumstances, be treated as including any payments in respect of use of furniture." For houses over £8 in rateable value the section lays down a standard; such a house "shall not be deemed to be *bona fide* let at a rent which includes

[1] 13 & 14 Geo. V, c. 30. *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 20.

payments in respect of the use of the furniture, unless the house is let with all such furniture (other than plate, cutlery, linen and culinary utensils) as is reasonably required, having regard to the character of the house, for the occupation thereof as a furnished house."

S. 2 of the Act was framed to meet complaints that landlords, without resorting to the Court, obtained possession of dwelling-houses from their tenants by falsely representing that the houses were required for some purpose for which, under the Act, the landlord is entitled to resume possession. The enactment empowers the county court, if such a case is proved by a former tenant, to order the landlord to pay compensation to the former tenant for damage or loss sustained by him as the result of having given up possession. Apart from this enactment such compensation could be obtained only in a case where the landlord had actually obtained, by misrepresentation, an order from the Court for possession. This section also amends s. 5 of the Act of 1920 as to notices, for the purpose of strengthening the law against obtaining possession of houses by misrepresentation.

Sale of Milk.—The Sale of Milk Act (c. 17) prohibits the sale of milk as of a particular grade or designation (" certified," " Grade A," " tuberculin tested," or " T.T." or such other designation as the Ministry of Home Affairs may prescribe) without a licence granted by the Ministry of Home Affairs. The Act is similar in effect to the provisions of s. 3 of the Milk and Dairies (Amendment) Act, 1922,[1] which are in force in Great Britain. It may be noted that the wording of the particular designations specified in the Northern Ireland Act approximates to the wording adopted for Scotland by s. 14 of the Act of 1922, as the term " tuberculin tested," is used, whilst the provision in force in England and Wales uses the term " pasteurized."

Regulation of Quarries.—The Quarries Act (c. 19) collects within the compass of a single statute numerous enactments previously in force for the regulation of quarries and the well-being of quarry workers ; and it amends these in such respects as to produce an up-to-date code suitable to the special circumstances of Northern Ireland.

The former provisions of law as to quarries were scattered over various statutes. Quarries whose depth exceeds 20 feet were by the Quarries Act, 1894, made subject to many of the provisions of the Metalliferous Mines Regulations Acts, 1872 and 1875. All quarries, without reference to depth, were workshops within the meaning of the Factory and Workshop Act, 1901 ; and a quarry in which steam, water or other chemical power may be used was a non-textile factory within the meaning of that Act.

The Act of 1927 adheres to the main principles which were previously laid down ; but in so doing it carries out various amendments of law, some of which may be noted. The provisions of the new Act are applicable to all quarries, without reference to their depth. Again, the Act imposes, by means of a definition of the term " occupier," a liability upon persons who, whilst working quarries, were hitherto in a position to elude their responsibilities under the quarry laws because they were neither owners nor occupiers as defined by those laws. The Act also gives to the Ministry of Commerce a power to make regulations, either for general application or for application to any particular quarry or

[1] 12 & 13 Geo. V, c. 54. See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 8.

to quarries of a particular class; whereas previously the regulation of each quarry was left to be initiated by special rules to be framed in the first instance by the owner or agent of the quarry. The first set of new general rules for quarries is embodied in a Schedule to the Act, but the rules may be added to, altered or revoked, as if they had been departmentally made. These rules relate to the prevention of dangerous accidents, the safety of persons employed, the regulation of the supply, use and storage of explosives, and the regulation of the use of machinery and plant.

The general effect of this Act is that quarries are eliminated from three different branches of statute law—those relating to metalliferous mines, factories and workshops and notice of accidents.

Lead Paint (Protection against Poisoning).—C. 7 is an Act to make better provision for the protection against lead poisoning of persons employed in painting buildings. Like the Act [1] passed for Great Britain in 1926, the Northern Ireland Statute relies upon regulation instead of prohibition, and it gives to the Ministry of Labour a regulating power similar to that bestowed by the 1926 Act upon the Secretary of State. The Northern Ireland Statute prohibits the employment of women, young persons *and children* in painting any part of a building with lead paint —subject to a power to make exceptions for apprentices in the painting trade, and for women and young persons engaged in special decorative or other work, not of an industrial character. The inclusion of children in this prohibition has the effect of prohibiting their employment absolutely, even in connexion with "an industrial undertaking" (as defined by the Employment of Women, Young Persons and Children Act, 1920), in which only members of the same family are employed; whereas the Act passed for Great Britain, by omitting children from the prohibition, keeps in step, as regards such industrial undertakings, with the Employment of Women, Young Persons and Children Act.

Loans Guarantee.—C. 8 makes an addition to a long series of enactments extending the authority of the Ministry of Finance to guarantee the repayment of loans, which are intended to be applied for the carrying out of capital undertakings calculated to promote employment in Northern Ireland. The Act increases the maximum limit of the capital amount of the loans, whose repayment may be so guaranteed, from its former figure of £9,000,000 to £10,050,000.

Railways and Omnibus Transport.—The Railways (Road Vehicles) Act (c. 9) had in view the problem of competition between railways and road motors. As was pointed out upon the introduction of the Bill in the Senate, the invention of the internal combustion engine has revolutionized transport, and has created for the railway companies a formidable competitor, acting under conditions of freedom denied by Statute to the old-established undertakings. The Act confers upon railway companies, whose systems are situate wholly or partly in Northern Ireland, a general power to provide, own and maintain omnibuses and road vehicles for the conveyance of passengers and merchandise. It places the railway companies, as respects the enjoyment of those powers, in the same position as an ordinary omnibus proprietor; the companies are not made subject to special statutory conditions, but to the general provisions as to the use of vehicles on public highways, and the licensing

[1] 16 & 17 Geo. V, c. 37. See *Journal of Comparative Legislation*, Third Series, vol. x. pt. ii, p. 8.

and regulation of vehicles and their drivers and conductors, which are contained in the Motor Vehicles (Traffic and Regulation) Act, Northern Ireland, 1926.[1]

Distribution of Electrical Supply.—The Lisburn Electric Supply Company (Agreement) Act (c. 23) contains the germ of a scheme for distributing electrical energy from a central station at Belfast over a wider field than some single area of administration. The Act confirms an agreement made between the Ministry of Commerce and the Supply Company, under which the Ministry was to advance a capital sum to the company, and the company in return undertook to construct and maintain a main transmission line from the Belfast generating station to Lisburn, capable of carrying electrical energy at a pressure of 33,000 volts, and thus suitable for future use not only at Lisburn, but over a district embracing several neighbouring towns.

Workmen's Compensation. — The Workmen's Compensation Act, 1925,[2] effected a consolidation of the branch of Statute Law so entitled, in its application to Great Britain. The Act, however, extended to Northern Ireland, in so far as it brought under consolidation previous enactments dealing with "reserved" matters, as—for instance—the compensation rights of persons employed on ships, and the giving of effect to International Conventions for reciprocity in workmen's compensation matters. Once the Act of 1925 became law, a general consolidation for Northern Ireland as respects "transferred" matters became necessary, and practical considerations rendered it urgent. The business of insuring against workmen's compensation risks in Northern Ireland is in the hands of the large companies which operate throughout the United Kingdom. It was represented upon their behalf that the inconvenience of multiplying forms could be obviated only by an early reduction of the several Statutes in force in Northern Ireland to a consolidated form parallel to that which had been adopted for Great Britain.

The process of surveying the existing law, with consolidation in view, brought to light several minor discrepancies between Northern Ireland and Great Britain. These were remedied by the Workmen's Compensation (Miscellaneous Amendments) Act (c. 13) which became law in the earlier part of the parliamentary session, as the preliminary to a later consolidating measure. The amending Act assimilated the law as respects the following matters: fees in workmen's compensation proceedings; review of weekly payments; distribution of compensation moneys without probate or letters of administration; examination of witnesses and discovery of documents; schemes as to compensation for silicosis; and compensation in the case of accidents to persons employed upon aircraft outside Northern Ireland. The opportunity was at the same time taken for giving effect by this Act to a resolution passed by the Imperial Conference of 1926, which recommended that arrangements should be made between the different parts of the British Empire, whereby sums awarded for administration for the benefit of dependents, etc., could be transferred to, and administered by, the competent authority in whatever part of the Empire the beneficiaries might from time to time take up their residence.

The Northern Ireland law having been assimilated to that of Great

[1] 16 & 17 Geo. V, c. 31. See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 27.

[2] 15 & 16 Geo. V, c. 84.

Britain, a constitutional obstacle had to be surmounted before consolidation could proceed. As the bulk of the Statute Law applying to Northern Ireland was framed before the legislative jurisdiction had been divided between the two Parliaments according to subject matter, "reserved" subjects are liable to crop up in the midst of tracts of "transferred" law. In workmen's compensation two such subjects demanded consideration—appeals from the Court of Appeal to the House of Lords upon compensation awards, and the arrangements for dealing with invested moneys in the Post Office Savings Bank. It was obvious that if these two matters were left untouched, any consolidating Statute passed by the Parliament of Northern Ireland would be incomplete, and the law itself might be obscured rather than illuminated. On the other hand, that Parliament was debarred by the Government of Ireland Act from "making laws" as to appeals to the House of Lords or the Post Office Savings Bank. The difficulty was evaded by reproducing the entire law in the Consolidation Act, but distinguishing, by means of a "preamble," between the main body of the law which the Parliament purported to "make" by repeal and re-enactment, and the specific "reserved" provisions which it purported merely to "set out" in a schedule "*in the manner in which they are applicable* to matters arising under the provisions of this Act." In the case of future consolidations, such an expedient will not be necessary, because the power to repeal and re-enact "reserved" enactments, for the sole purpose of consolidation, has since been affirmed by legislation in the Parliament of the United Kingdom.[1]

The consolidating measure (c. 16) is entitled the Workmen's Compensation Act (Northern Ireland), 1927, and contains 52 sections and 6 schedules. It was the first Bill of the kind to be introduced into the Northern Ireland Parliament, and it established a precedent for the observance of a special procedure as at Westminster. The two Houses joined in the appointment of a Select Committee, consisting of 4 Senators and 4 members of the House of Commons, to examine the Bill and satisfy themselves upon evidence that it correctly reproduced existing law.

Trade Disputes and Trade Unions.—The Trade Disputes and Trade Unions Act (c. 20) was introduced in the House of Commons on October 12, and is a measure corresponding to that which received the Royal Assent in the Parliament of the United Kingdom on the previous July 29. The Bill was fully and keenly debated in the House, the Second Reading occupying two days, and the committee and subsequent stages absorbed the time of the House during prolonged sittings on six further days. The Act declares what strikes and lock-outs are illegal. It provides for the protection of persons refusing to take part in illegal strikes or lock-outs and for the prevention of intimidation. It places the political funds of trade unions under further supervision, and, as regards those funds, it substitutes "contracting in" for "contracting out." It regulates the position of civil servants and persons employed by public authorities in respect of membership of trade unions and similar organizations, and enables the Attorney-General for Northern Ireland to apply for an injunction restraining any application of the funds of a trade union for the purposes of an illegal strike or lock-out.

The Act contains a few special provisions to cover the case of trade

[1] 18 & 19 Geo. V, c. 24.

unions carrying on business in Northern Ireland, but having their registration in England or Scotland, or having headquarters outside the United Kingdom. Both the British and the Northern Ireland Acts contain a provision (s. 4(3)) requiring that the trade union rules are to be amended so as to conform to the requirements of the new Act, and as so amended to be approved by the Registrar of Friendly Societies. The Northern Ireland Act adds a proviso so as to secure, in cases where a trade union carries on business in Northern Ireland as well as in Great Britain, that amendments of rules officially approved for Great Britain are to hold good for Northern Ireland. Similarly, both Acts provide (s. 4(5)) that amending rules may take effect as rules of a trade union upon a certificate of the Registrar of Friendly Societies, and by the Northern Ireland Act it is further provided that rules which have taken effect on the certificate of the Registrar for Great Britain shall take effect for Northern Ireland without any further certificate.

S. 8 of the Northern Ireland Act requires that trade unions registered or furnishing returns in Great Britain shall, if they carry on business in Northern Ireland, annually furnish the Registrar of Friendly Societies for Northern Ireland with copies of the documents furnished to the Registrar for Great Britain, and with a statement setting forth, in relation to the business carried on by the trade union in Northern Ireland, such particulars of receipts and expenditure, and other information, as the Northern Ireland Registrar may require. The section also requires every trade union carrying on business in Northern Ireland, but having its principal office outside the United Kingdom, to transmit to the Registrar of Friendly Societies for Northern Ireland particulars of its receipts and expenditure and other information, failing which such a trade union is not to be entitled in Northern Ireland to any of the privileges of the Trade Union Acts. Every trade union which is not registered in Northern Ireland, but carries on business there, must furnish the Registrar every year with the names and addresses of some one or more persons resident in Northern Ireland authorized to accept, on behalf of the trade union, service of process and notices.

The Act passed for Great Britain extended to Northern Ireland in one respect—that is to say, its provisions relating to civil servants (s. 5) applied to civil servants employed in Northern Ireland in the administration of "reserved services." The corresponding enactment of the Northern Ireland Act applies to persons serving in an established capacity in the permanent Civil Service of Northern Ireland, *i.e.* the permanent officials employed in the administration of "transferred services."

Liquor Licensing Laws.—The object of the Intoxicating Liquor and Licensing Act (c. 21) was to make amendments of detail in the licensing code, without departing from the principles expressed by Parliament when it enacted the sweeping reforms contained in the Act of 1923.[1] The amendments made by the Act of 1927 fall into three main groups.

The first group consists of modifications of some provisions of the Act of 1923 which, when put into force, had proved more drastic than was intended. The Act of 1923 had forbidden the carrying on of the retail liquor trade (whether by on-licence or off-licence) in conjunction with any business of another kind, but it was found that the provision required some exceptions in practice. Thus, s. 1 of the new Act allows

[1] 13 & 14 Geo. V, c. 12. See *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 19.

the holder of a retail licence to carry on a wholesale liquor business in the licensed premises; it permits the carrying on in hotels of subsidiary businesses, such as hairdressers' shops or billiard-rooms; and it enables publicans to carry on "the business of providing temporary stabling or similar accommodation for vehicles or animals," not only during opening, but also during closing, hours. S. 2, again, modifies the conditions under which, and the hours during which, intoxicating liquor may be sold or consumed in an hotel on Sunday or Christmas Day. The Act of 1923 allowed the sale of intoxicating liquor on those days "to a guest or traveller who has lodged for the preceding night, or has in writing engaged a room for the succeeding night, in the hotel, for consumption by him at the same time as a substantial meal, in a portion of the hotel premises usually set apart for the service of such meals." The amending Act abolishes the conditions as to a substantial meal, and as to the portion of the premises in which the liquor may be consumed. In s. 7 there is a provision to the effect that a conviction, recorded against a licence-holder, is not to be taken into account for the purpose of the annulment of his licence, or the disqualification of the premises for a licence, if since the conviction a period of five years' "clean trading" has supervened.

The second group in the Act of 1927 consists of provisions increasing the stringency of enactments which had proved insufficient for remedying the mischief against which they were directed. For example, s. 9 tightens up the restrictions upon the sale of methylated spirits and methylated ether, the latter commodity being defined as including "any ether manufactured from methylated spirits or from industrial spirit and preparations containing methylated ether." Another example is s. 10, which forbids liquor retailers to sell, keep or supply liquor which consists of, or is mixed with, any alcohol of a kind other than ethyl alcohol—a provision designed to prevent the sale of a deleterious liquor called "Red Biddy." S. 10 also enables the Ministry of Home Affairs to regulate the sale, keeping, supply and consumption of alcohol other than ethyl alcohol; but no such regulations have been made at the time of writing. S. 11 makes various amendments in the Registration of Clubs (Ireland) Act, 1904,[1] in order to prevent the Licensing Laws being evaded by the establishment of registered clubs, having as their main object the supply of exciseable liquor.

The third group of amendments consists of administrative improvements and clarifications of law. These were much needed, as the licensing code has been accumulating obscurities during the greater part of a century, but will remain incapable of consolidation until it has been overhauled by amending legislation. S. 2 (2) of the new Act places upon a workable basis the law relating to the consumption of liquor at entertainments held on licensed premises after closing hours. S. 8 contains a definition of the expression "licence," linking up the interpretation of this expression in the liquor licensing code with that contained in the provisions of the Finance (1909–10) Act, 1910,[2] which deal with excise licence duty. S. 12 removes some difficulties relating to licences for the sale of liquor in theatres and music-halls, and establishes a connexion between the liquor licence and the theatre or music-hall licence. The unsatisfactory state of the previous law was illustrated in the case of *Morrison* v. *Commissioners of Customs and Excise and the Ministry of*

[1] 4 Edw. VII, c. 9. [2] 10 Edw. VII, & 1 Geo. V, c. 8.

Finance,[1] from which it appeared that there was no existing power to grant a theatre licence to perform plays, etc., except under the implied authority contained in s. 7 of the Excise Act, 1835,[2] which provided that retail liquor licences might be granted by the Excise authority for the sale of liquor "in any theatre or other place of public entertainment . . . licensed by justices of the peace." Moreover, the terms of s. 51 of the Public Health Acts Amendment Act, 1890[3] (as to music and dancing licences) had caused difficulty. Some theatre and music-hall proprietors had assumed that the licensing provisions of that section applied to them as well as to places used as dancing-halls; nor was it clear in what court the jurisdiction to grant the licence resided. S. 12 of the 1927 Act substitutes for the previous law some definite provisions as to the licensing of theatres and music-halls. It enacts as follows:

(*a*) No building is to be used primarily and ordinarily as a theatre or music-hall, without a licence for that purpose being first obtained from the Licensing Court (for new licences, the County Court Judge or Recorder, and for renewals, two resident magistrates), the licence being issued and annually renewed after due notice to the local authority and to the police;

(*b*) A licence for a liquor bar is not to be granted to a theatre or music-hall unless it holds the general licence for use as a theatre or music-hall;

(*c*) The cancellation of a theatre or music-hall licence is to bring about automatically the cancellation of the liquor licence;

(*d*) S. 36 of the Public Health Acts Amendment Act, 1890, is put into general operation so as to enable all urban and rural sanitary authorities to satisfy themselves that theatres and music-halls are substantially constructed, and supplied with proper means of ingress and egress for the use of the public.

Old Age Pensions (Administration).—C. 22 co-ordinates and simplifies the administration of the non-contributory old-age pensions. The Widows', Orphans' and Old-age Contributory Pensions Act, 1925,[4] had placed the contributory pensions under the authority of the Ministry of Labour, but left the non-contributory pensions to be administered under a makeshift arrangement, produced by grafting upon the "principal Act" of 1908 the restricted powers of the Government of Northern Ireland. Under the Act of 1908 the Treasury took charge, with the Postmaster-General and the Customs officers as working agents; claims were considered by committees of the local authorities; the English, Scottish and Irish Local Government Boards decided appeals; and procedure regulations were made by the Departments conjointly. The effect of adaptation to Northern Ireland was to devolve upon the Ministry of Finance the various functions of the central administration, and to transfer the appeal jurisdiction to the Ministry of Home Affairs. The Northern Ireland Act sets up a simpler system, corresponding closely with that under which unemployment benefit is administered. The pensions are paid by the Ministry of Labour; claims and questions are attended to by special officers of that Ministry, subject to recommendations by "Local Pension Courts" appointed by the Minister of Labour, and to decisions on appeal by an umpire appointed by the

[1] [1927] N.I.L.R. 115. [2] 5 & 6 Will. IV, c. 39. [3] 53 & 54 Vict. c. 59.
[4] 15 & 16 Geo. V, c. 23. See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 28.

Governor of Northern Ireland. The former local pension committees were abolished.

Financial Matters.—The Finance Act (c. 11) contains several provisions dealing with Entertainments Duty. The first of these sets up a new scale of duty, starting with admission payments of sevenpence instead of twopence, which was, since the passing of the Finance Act, 1921, the lowest taxable payment. The Act contains also exemptions in respect of games or sports which are " ordinarily played or contested indoors by two or more persons or two or more groups of persons, and at or in connexion with which no money is awarded or paid to any of the contestants whether as prizes, remuneration or otherwise." Games or sports ordinarily played or contested out of doors are also exempted, if they do not involve " the use or participation of horses, dogs or other animals or the use of mechanically propelled vehicles." The performance of music by a band at any such entertainment is not to destroy the exemption. Provision is also made to secure that the relief already afforded to entertainments, held by societies not conducted for profit, is not to be affected by the addition of an exhibition of games or sports coming within the present exemption. Agricultural shows, provided for the purpose of promoting the interest of agriculture by some society not conducted for profit, are also exempted from this tax.

The law as to Death Duties is amended by s. 5, so as to remove an anomaly as to the aggregation of settled property, where the settlement was made by " a person dying before the commencement of Part I of the Finance Act, 1894." The section is similar to s. 51 of the Finance Act, 1927,[1] applicable to Great Britain.

S. 6 of the Act gives relief from double taxation between Northern Ireland and Great Britain, and between Northern Ireland and the Irish Free State, in a class of cases not provided for by any previous enactment. It enables an allowance to be made from the legacy duty or succession duty payable in Northern Ireland in cases where, by reason of the same death, succession duty is payable in Great Britain or in the Irish Free State in respect of settled personal or moveable property under a settlement of which " the forum of administration " is in Great Britain or in the Irish Free State. S. 52 of the Finance Act, 1927,[2] gives a similar relief from British tax where succession duty is payable in Northern Ireland in respect of property which is subject to a settlement of which " the forum of administration " is in Northern Ireland. Effect has also been given to this arrangement by legislation in the Parliament of the Irish Free State.

The Exchequer and Financial Provisions Act (c. 10) contains two provisions which may be noted. S. 1 empowers the Ministry of Finance to make regulations for ensuring that any adjustment of the Northern Ireland Residuary Share of reserved taxes made by the Joint Exchequer Board shall be dealt with as if it had been brought into the account of the Exchequer of Northern Ireland for the financial year to which any such adjustment relates, and had been eliminated from the account of any other financial year; the financial adjustments between the Exchequers of the United Kingdom and Northern Ireland are complicated, and depend upon various factors which cannot always be ascertained during the currency of any particular accounting period. S. 2 of the same Act places upon the Consolidated Fund of Northern

[1] 17 & 18 Geo. V, c. 10.

[2] 17 & 18 Geo. V, c. 10.

Ireland an annual charge not exceeding £100,000 for the reduction of capital liabilities in connexion with the public debt of Northern Ireland. An annual charge to meet the liability in respect of interest on the debt was provided for in the year 1923 (by 13 & 14 Geo. V, c. 4, s. 3).

4. IRISH FREE STATE.

[*Contributed by the* Hon. Mr. Justice Hanna, *Judge of the High Court.*]

There were 40 public Acts passed by the Oireachtas in 1927. We shall consider them under the usual heads.

Constitutional.—The constitutional legislation for this year consists of four short but important Acts and the Public Safety Act (No. 31). The first of these (No. 4) is the Constitution (Amendment No. 1) Act. It repeals the provisions of Art. 28 of the Constitution which established the day of the general election for the Dail as a public holiday. This amendment is subsequently carried into effect by s. 3 of the Electoral Amendment Act (No. 21) repealing s. 40, subs. 1 of the principal electoral Act (No. 12 of 1923). The Constitution (Amendment No. 4) Act (No. 5) makes an important alteration in the same article of the constitution, as to the duration of the Dail, extending it from four years to a maximum of six or such shorter period as may be fixed by legislation; this period has been fixed at a period of five years by the Electoral Amendment Act (No. 21). The position of the Chairman or Speaker of Dail Eireann (Ceann Comhairle) has been protected from the inconvenience of a contested election by the provisions of the Constitution (Amendment No. 2) Act (No. 6) by adding to the words of Art. 21, as to the election by each house of its chairman and deputy chairman, the provision to the effect that the chairman shall be deemed without any actual election to be re-elected for his constituency. This has been carried into effect by the Electoral Amendment Act (No. 21), s. 2. By the Constitution (Amendment No. 5) Act (No. 13) the provisions of Art. 51 of the Constitution fixing the number of members of the Executive Council have been altered by increasing the number from seven to twelve. This was done to enable all the ministers of departments to be included and to share the responsibility of executive decisions. The Public Safety Act (No. 31), passed in consequence of the murder of Mr. Kevin O'Higgins, the Minister for Justice, is remarkable as purporting to amend the Constitution on the subjects of the liberty of the citizen and the establishment of special courts. By Art. 50 of the Constitution it would seem to be required that any Act passed in pursuance thereof should indicate the specific articles or provisions of the Constitution that are intended to be amended, but s. 3 of this Act merely enacts, in a general clause, "that every provision in this Act in contravention of any of the provisions of the Constitution . . . shall operate and have effect as an amendment" thereof. The two main portions of the Act deal with the suppression of unlawful associations and literature in connexion therewith, and the establishment of special courts. S. 4 gives the Executive Council power to declare as unlawful any association which advocates or has for its object the overthrow by force of the government of the Saorstát; or without lawful authority maintains an armed force or encourages the unlawful possession of firearms, or engages in any course of action of

a treasonable or seditious character, or encourages the commission of crime or obstruction or interference with the administration of the law, or the non-payment of money in the nature of taxation payable to the Central Fund or any other public fund. Ss. 5 and 6 make the membership of such unlawful associations or the possession of documents or books belonging thereto very serious offences punishable as to the first by penal servitude not exceeding three years, and as to the second by fine not exceeding £10 or imprisonment not exceeding three months. By s. 7 possession of documents relating to the unlawful association is *prima facie* evidence of membership, which must be repudiated on oath by the accused and by the production of two reputable witnesses acquainted with the accused to depose to their belief that he is not a member of the association. By s. 8 youthful members of the associations under 16 years of age may be sentenced to detention during the pleasure of the Minister of Justice notwithstanding the provisions of the Children Act, 1908. Parents and guardians of such offenders are liable to imprisonment unless they prove that they have exercised due care over the offender (s. 18). By s. 10 power is given to a judge of the High Court on application by the Minister of Justice to make an order for the suppression of any newspaper, journal, magazine, or other publication that contains a seditious libel or any statement inciting to the commission of any offence mentioned in the Act. In respect of any such periodical published outside the Saorstát, s. 11 gives power to the Executive Council to prohibit its importation. S. 13 gives the Minister of Justice authority to make expulsion orders against anyone associated with the activities of the unlawful association. Very drastic powers of search and arrest are given by ss. 14, 15 and 16 of the Act. The power is vested in a superintendent of the Civic Guard to arrest any person suspected by him of being engaged in any of the offences enumerated in the Act and bring him before a district justice. Upon the superintendent stating to the justice that in his opinion there is ground for suspicion of the person in question and that his detention is necessary and desirable for the proper investigation of the offence, the district justice *must* order his detention for seven days, after which time he can only be detained by the order of an Executive Minister, for a period not exceeding two months. The usual device of refusing to recognize the court or take any part in the proceedings, resorted to by accused republicans, has been dealt with by s. 17; whereby such a person is deemed to be guilty of a contempt of court, but though a plea of not guilty is entered, he is not entitled or permitted to be represented by solicitor or counsel, and, if convicted of the offence charged, the court in imposing sentence shall take the contempt of court into consideration.

Parts III and IV of the Act authorize the Executive Council by proclamation to establish special courts for the trial of offences under this Act. A special court by s. 22 shall consist of three or more persons of whom one shall be a person certified by the Attorney-General to have legal knowledge and experience, and the others shall be members of the Defence Forces. This is, in reality, trial by court martial. By s. 28 a special court has power to inflict the penalty of death or penal servitude for life in respect of the offence of unlawful possession of firearms under the Firearms Act (No. 17), 1925.

Finance.—The Provisional Collection of Taxes Act (No. 7) gives statutory effect for a limited period to resolutions of the Committee

of Finance of the Dail imposing, renewing or varying taxation and makes provision for payment, deductions, etc., on account of any temporary taxation in anticipation of the renewal of taxation by the Oireachtas. The time limits on such temporary taxation by resolution are fixed by s. 4, to the effect that if the resolution is not agreed to by the Dail with or without modifications, within the next ten days on which the Dail sits after the passing of the resolution, it shall cease to have statutory effect. The same result follows if the Dail disagrees with the resolution, or if the Bill containing the provisions of the resolution is not read a second time in the Dail within twenty-six days, if the Dail be dissolved before the Act is passed, or ultimately, on the expiration of four months from the passing of the resolution.

By the Finance Act (No. 18) income tax is reduced to 3*s.* in the £. S. 3 exempts from taxation for income tax the representatives of Governments of the British Commonwealth of Nations who are employed as such in diplomatic, trade or like purposes. S. 4 empowers the Executive Council in pursuance of a provisional arrangement with a foreign Government to exempt from double taxation the profits from the business of shipping which might be liable to charge both in the Saorstát and abroad. S. 6 gives a new and desirable power to the Revenue Commissioners to relieve from taxation, so far as they may think just and reasonable, lands held by persons prevented from using same by intimidation or disturbance ; and also lands held by co-operative farming societies or by farming trustees who have acquired lands to be divided amongst their cestuis que trust or members. The Commissioners in arriving at such conclusion are to take into consideration the taxable income of the individuals beneficially interested in the lands and whether the collection of the taxes would impose undue hardship upon them. S. 8 exempts from tax, income applied to the purpose of promoting national games, such as Gaelic football, hurling or handball by any body of persons established for that purpose. S. 15 contains a declaration that competitions in the Irish language or in Irish step dancing shall not exempt, from entertainment tax, an entertainment provided by an agricultural society. The penalty for omitting to take out a dog licence is reduced from £5 to £1.

By the Finance Act (No. 2) (No. 38) a duty of 3*d.* per lb. is levied on all imported margarine and 33·3 per cent. *ad valorem* on every rosary imported into the Saorstát.

The Trade Loans (Renewal) (Amendment) Act (No. 30) fixes the date for the cessation of loans for the purposes of the Trade Loans Act (No. 41) as July 31, 1928.

The Currency Act (No 32) is an important and somewhat complicated piece of legislation. The objects of this Act are: (1) to authorize the issue of a gold coinage ; (2) to make provisions for the issue of paper currency notes of a legal tender quality ; (3) to terminate the issue of bank-notes by individual banks ; (4) to establish the issue of bank-notes by a central authority ; and (5) to establish such central authority under the title of Currency Commissioners.

By s. 4 the standard unit of value in Saorstát Eireann shall be the Saorstát pound in the form of a gold coin of the standard weight of 123·27447 grains of gold, 11/12ths fine, or in the form of a legal tender note or in both forms. Ss. 5–12 deal with the creation of the gold coinage, the denominations thereof, the calling in of coins in issue, the legal

tender of gold coins and the application of certain enactments to the proposed new currency.

Part III of the Act deals with the establishment of the new Currency Commission. It is to be a body composed of seven members, six ordinary members and a chairman. Of the six members, three shall be nominated by the Minister and three elected by the representatives of the share-holding banks. The chairman, who holds office for five years, is elected by the ordinary members. One of the ordinary members, to be selected by lot, retires every year.

Part V empowers the Commission to provide and issue in accordance with the Act legal tender notes of the denominations of 10s., £1, £5, £10, £20, £50 and £100 to be current in the Saorstát. These notes are to be redeemable at the London agency of the Commission in legal tender of Great Britain, or in Dublin in either gold coinage of the Saorstát or in legal tender of Great Britain. In addition to issuing these State notes, the Commission has under s. 25 power to issue to the shareholding banks notes to be known as " consolidated bank-notes " of equivalent values. By s. 54 these " consolidated bank-notes " shall be allotted to the shareholding banks in the proportion that the quota fixed for each bank in the schedule bears to £6,000,000. The figures are fixed for six years at such figure as the Commission thinks proper having regard to the relative bulk of the liquid sound advances of each shareholding bank, to persons in the Saorstát. Every consolidated bank-note is payable by the responsible bank by whom it is issued in coins or notes which are legal tender in the Saorstát. S. 60 prohibits any bank, whether a shareholding bank within the Act or not, to issue bank-notes other than consolidated bank-notes.

Part VII of the Act contains complicated provisions imposing on the Currency Commission the obligation to maintain separate capital funds, to be called a legal tender note fund, and a note reserve fund.

Courts.—Under the provisions of the principal Act, the Courts of Justice Act (No. 10 of 1924), appeals from the circuit judges were to be heard by two judges of the High Court on a stenographer's note of the evidence. By reason of the accumulation of arrears of appeals before the passing of the Act, the tedious nature of the appeal, and the difficulty caused by withdrawing two judges of the High Court from other pressing work, it was deemed necessary to make provision temporarily for a special tribunal to assist in clearing off these arrears. Accordingly by the Circuit Court Appeals Act (No. 10), the Governor-General was given power to appoint Commissioners for the hearing of the appeals. In pursuance of this power four Commissioners were temporarily appointed to constitute two courts for this purpose with all the rights of tenure and jurisdiction of judges of the High Court. Their office ceased in pursuance of s. 1, subs. 4 when the purposes of the Act were performed. The Act limited the period of their office to twelve months.

The Juries Act (No. 23) is a comprehensive Act dealing with the liability for service of jurors, their registration, the preparation of jurors lists and books, and procedure to secure their attendance in court. It proceeds on the basis of repealing in substance all the existing statutes on the subject in force and establishing a new code.

Under ss. 1 and 2 every county borough and county shall be a jury district for the purposes of the Act, subject to the right of the Minister for Justice by order to divide a district ; and in lieu of having one uniform

rating throughout county boroughs and counties the Minister is given power to prescribe a rateable value of land to be the rating qualification for jurors in any particular district and to prescribe different rateable values in respect of different kinds of land. The age limits for service as a juror are over twenty-one and under sixty-five. A person whose wife is rated on a qualifying basis is liable to serve in respect of his wife's qualification. No one can serve unless he is also on the register of electors. Disqualifications include persons convicted of perjury, felony or treason. In a schedule to the Act absolute exemption is given to the Governor-General, members of the staff of the Oireachtas, the army, the Gárdha Siochána, the judges, the staff of the courts, civil servants, clergymen, barristers, solicitors and their clerks, illiterates, lunatics, imbeciles, deaf, blind and those permanently infirm. Partial exemption, in the sense that they are not liable to serve, except on their own application to be put on the list, is given to women, peace commissioners, medical practitioners, dentists, civil engineers, veterinary surgeons, professors, schoolmasters, teachers, masters of vessels and pilots, reporters and journalists.

The exemption of women is interesting. Under the previous Acts women properly qualified were liable to serve. In practice it was found of little or no value, as the majority of those summoned had to be excused for some valid reason of business or domestic life, and those that were called upon the panel were usually found to be challenged by the parties in civil actions, or by the accused on a criminal trial. It was at first proposed for these reasons to exclude women altogether from the jury register, but as a result of an agitation by some advocates of women's rights it was finally enacted that any woman who desired to serve and be on the jury list could apply to the county registrar for the area to have her name included, if she had the necessary qualifications (s. 16).

The first step in the preparation of the juror list is provided by s. 7 to be in the form of an addition to the register of electors prepared under the Electoral Act, 1923, the registration officer under the latter Act being directed to include and identify in his register persons qualified to serve as jurors and also all disqualifications and exemptions. The juror must be entered for the same district for which he is an elector, notwithstanding that his qualification may be in respect of lands elsewhere than at his address as an elector. Under s. 10 the juror's appeal against being put on the list is to the circuit judge for the district. From the electoral register the secretary of the county council or the town clerk of a borough is directed by s. 13 to prepare a draft jurors list and forward it to the county registrar, having previously had a sufficient house-to-house inquiry made as to the correctness of each entry. The county registrar then, in pursuance of s. 15, checks the draft list with his general list of jurors, and when finally settled by him it becomes the jurors list for the registration area for one year.

Under Part IV of the Act the county registrar has to prepare the jurors books containing the names of the jurors for the district in alphabetical order with address and description, and finally sign and certify them. The jury panel is based on these books, and its preparation is dealt with in Part V of the Act. The interesting procedure is followed, under s. 34, of taking consecutively from each alphabetical section of the jurors book a number of names in accordance with the total number of names contained under that particular letter, until a sufficient panel is

provided. Jurors are given a four-day notice by personal service, save for the High Court or the Central Criminal Court, when the service may be by registered post. A fixed fine of £3 is imposed by s. 46 on a juror not answering to his name where called unless a reasonable and sufficient excuse for non-attendance is given. The forms of oath taken by a juror have been altered by ss. 53 and 54. The previous reference to "our sovereign lord the King," to "the prisoner at the bar" and the words "and true deliverance make" have been changed and the oath runs: "I swear by Almighty God that I will well and truly try the issue whether the accused be guilty or not guilty of the offence charged in the indictment preferred against him and true verdict give according to the evidence."

The right of challenge has been substantially restricted. Under s. 55 challenges to the array are abolished, and under ss. 56 and 57 challenges to the polls without cause being shown are limited, in civil cases, to three jurors; and in criminal cases, where there is one accused, to five jurors; and where there are two or more accused (whether they join in their challenges or not) to ten in the case of trial for murder or treason, and in other cases to six. Private prosecutors may challenge five. Challenge for cause is permitted without limitation by s. 58, the cause to be allowed or disallowed by the judge, and not by triers as heretofore. S. 59 preserves the right of the Attorney-General, his counsel or solicitor to stand by without cause shown any juror who has not been challenged.

By s. 61 the judge has power to order the use of a fire and permission to have refreshments by the jury. The rate of remuneration in civil cases has been altered from one guinea for a common jury and a guinea each for the members of a special jury to five shillings for each juror and the distinction between common and special juries has been abolished (s. 62). The judge has now a further power under s. 63 on a criminal trial other than for murder, treason or treason felony to permit the jurors to separate at any time before they consider their verdict, in the same way as heretofore in a case of misdemeanour. This means that the jury need not be locked up at night, in cases of felony other than those excepted, unless the judge thinks it in the interest of justice that they should not be allowed to separate. If a juror dies or is taken ill the trial proceeds unless the number of jurors is reduced below ten (s. 64).

Local Government.—Supplemental to the principal Local Government Act (No. 5 of 1925), certain amendments in the law are made by the Local Government Act (No. 3). By s. 2 a board of health for a county district has to discharge, in addition to the duties of the county council as sanitary authority, every other power or duty which was transferred from the council of the rural district to the county council, other than certain powers in such matters as technical education and public libraries. By virtue of s. 3 the duties to be performed by a joint board of health in a joint district are made quite clear and a board of health is now directed, in lieu of appointing a committee of management of a hospital or dispensary under the Tuberculosis Prevention (Hospital) Acts, 1908 and 1913, to discharge the duties directly. The effect of all these provisions is to increase the duties and responsibility of the boards of health in the counties. By s. 4 the boards of health are disabled from exercising any powers to borrow without the previous consent of the county council. Ss. 5 and 6 are financial dealing with the area of liability

for the expenses of the Labourers (Ireland) Acts, the raising of the expenses of the county council by poor rate and the proportionate division of the agricultural grant among the agricultural lands. Ss. 8, 9 and 10 contain amending and supplemental provisions as to qualification of officers for payment of superannuation, service under a local body which has been abolished being reckoned as service under the body to whom its debts and liabilities have been transferred. The rating of new buildings is provided for under ss. 11 and 12.

Defence Forces and Army.—The Defence Forces (Temporary Provisions) Act (No. 9) continues the principal Act for the maintenance of the army during a further period of one year a period further extended until March 31, 1929 by a succeeding Act (No. 40).

By the Army Pensions Act (No. 12) a complete code for pensions is enacted, by amending and extending the main provisions of the Army Pensions Act (No. 26) 1923, covering the payment of pensions, allowances and gratuities to disabled members of the armed forces of Saorstát Eireann of the Irish Volunteers and of the Irish Citizen Army, and for the payment of such to the dependents of deceased members of these forces. " Military service " in respect of which pensions may be granted to members of the Irish Volunteers or the Irish Citizen Army is defined to be " whenever such member was on duty or was under arrest as a result of his activities as such member or was evading capture or pursuit by the armed forces of the British Government or was detained in prison or internment camp or by order of the British Government." By s. 5 an Army Pensions Board is established consisting of a chairman and two ordinary members. The two ordinary members are to be duly qualified medical practitioners, one of whom only shall be an officer in the Army Medical Service. The provisions of this Act as to the method and amount of assessment, mode of application, etc., are very detailed and not of general interest.

Licensing Laws.—The Intoxicating Liquor Act (No. 15) is an important and comprehensive enactment, amending and in part consolidating the law relating to the sale of liquor, enabling the number of licences to be reduced by compulsion and amending the law as to the registration of clubs.

Part II of the Act deals with prohibited hours. S. 2 contains an absolute prohibition from sale of liquor or the keeping open of licensed premises for sale on Christmas Day, Good Friday and St. Patrick's Day; on Sundays before two and after five in the afternoon; on Saturdays before 10 a.m. and after 9.30 p.m.; and on other weekdays before 10 a.m. and after 10 p.m. On all weekdays there is a closing hour between 2.30 p.m. and 3.30 p.m. during which, in a county borough only, orders for delivery at the residence of the person ordering, may be received by post, telegraph or telephone. In urban county districts and towns with a population of over 5,000 there is no afternoon closing hour and there is a provision as to adjustment to summer time. By s. 3 where a mixed trade shop is carried on along with the licensed business the provisions of the code apply to the whole establishment unless the mixed trade portion of the premises is structurally separated from the licensed premises. The district justice can make a general exemption order from any prohibition clauses in respect of premises situated in the vicinity of a public market or fair on market or fair days if he is satisfied that it is necessary or desirable so to do and may specify terms in his order, subject to the

statutory obligation on the licensed person during the period of such exemption to provide food and non-alcoholic drink to any person demanding same (s. 4). Hotels and restaurants in a county borough may under s. 5 get a special exemption during certain hours and for a special occasion specified in the order. Ss. 6–9 provide for occasional licences, six-day licences, and early closing licences, terms retained from the previous code. The holders of early closing licences and six-day licences are respectively entitled to a remission of 2/7ths and 1/7th of the duty. Under s. 13 hotels and premises certified by the district justice to be restaurants are entitled to further exemptions where the liquor is ordered to be supplied with, consumed at, and paid for at same time as, a meal. Exemptions are also given to railway companies in respect of sales at a railway station bar to passengers or ticket holders or on a railway restaurant car, and also to passenger vessels.

The law as to the privileges to be given to *bona fide* travellers during closing hours has been so much abused that it has caused much discussion. Under this Act (s. 15) a traveller is *bona fide* if the place where he lodged, being in a county borough, the previous night, is five miles by the shortest public thoroughfare from the place where he demands to be supplied with liquor ; or three miles, if, on the previous night, he lodged in a place other than a county borough.

By s. 16 a new exemption order is introduced, called a Sunday area exemption order, which frees the licensed holders of "on" licences from the provisions as to closing hours. This can be granted by the district justice on the application of the officer of the Gárdha Siochána on the ground that by reason of the incursion on a Sunday of a large number of persons into the area for the special occasion, the observance of the provisions of the Act would be attended with unreasonable difficulty ; but under such a Sunday area exemption the licensed holders must supply food and non-alcoholic liquor if demanded. A correlative power is given under s. 19 to the district justice on the application of the officer of the Gárdha Siochána to make an immediate closing order on all licensed houses in a town or village for the remainder of a day or part of a day if he deems it expedient in the interests of peace. Ss. 20 and 21 regulate the sale of liquor in theatres ; no one can be admitted to a theatre after 9.30 p.m. unless he has previously engaged or paid for a seat, or is employed in the theatre. Liquor can be sold only to persons who are, to use a general phrase, members of the audience or employed in the theatre, and only during the "permitted time," that is, from half an hour before the commencement of the performance until half an hour after the termination thereof.

Part III of the Act contains very stringent provisions as to recording upon the licence convictions for licensing offences, and as to consequent forfeiture of the licence for breaches of the Act. By the operation of ss. 24 and 25, when a publican is convicted of an offence to which this part of the Act applies the conviction shall be recorded on the licence unless under s. 26 the district justice is of opinion that by reason of its trivial nature it should not be so recorded, and, for stated reasons, declares so in his order. It is subject to appeal to the Circuit Court. By s. 28 the licence becomes forfeited on the third conviction of any of the offences referred to in this part of the Act. The conviction being regarded as a matter affecting the licensee, relief is given by s. 30 to a *bona fide* purchaser of licensed premises against which there are records

by the district justice when he grants the transfer to the new purchaser directing that the offences shall cease to be recorded on the licence, which is transferred free from the records. But, by s. 31, if the vendor of such a licence within five years applies for a transfer to him of the same or another licence, the recorded offences are revived, transferred to and endorsed on the second licence.

Part IV deals with the reduction of the number of licences. The compensating authority for each district is the judge of the Circuit Court (s. 37) with an independent and experienced auctioneer, surveyor or valuer as assessor. The grounds upon which any particular house may have its licence " abolished," as set out in s. 39, are, that there are too many licensed houses in the area, and that the licence in question should be abolished in preference to any other. The compensating authority must have regard to the character of the licensing area, whether residential, agricultural or manufacturing, the volume of business done by the licensed houses in the area, and the amount of drunkenness; while as to the particular house, they shall consider the volume of business done in the premises, the structural condition and repair, and accommodation, whether the business is properly carried on, and whether the supervisions of the premises by the police is difficult. Under s. 40 the procedure is for the officer of the Gárdha Siochána to apply to the District Court for a reference order, sending the question as to whether the particular house should be abolished or not to the compensation authority. On a *prima facie* case being established the district justice makes the order. The first deliberation of the compensation authority is whether the licence should be abolished, and if they determine that it should the order is published in the *Iris Oifiguil* and a day appointed for the assessment of compensation. By ss. 42 and 43 elaborate provisions are made as to the method of assessment, both of occupation interest and the interest of the immediate lessor, and the allocation thereof. Gratuities, not exceeding three months' wages, may be made to employees in the licensed premises of over five years' service who are unemployed for three months after being discharged by reason of the abolition of the licence. The Minister of Finance is to pay the money out of a Compensation Fund, being moneys provided by the Oireachtas; but all moneys so paid in any licensing area shall be repaid to the Exchequer by a terminable compensation annuity calculated at the rate of $7\frac{1}{2}$ per cent. on the amount paid, apportioned among the remaining holders of licences in the area in proportion to the excise duty respectively paid by them, with an appeal to the Minister from the assessment, The annuity is payable along with the excise duty to the officer of customs. If not paid, it is a debt due to the Minister and is charged on the estate or tenancy in the premises. Part V of the Act contains elaborate provisions as to the prohibited hours in social and sports clubs in the Dublin area, and in towns and elsewhere in the Saorstát.

Patents, Trade Marks and Copyright.—The law on this subject, after passing through a period of great uncertainty since December 6, 1921, has been set at rest by the repeal of the British Acts and the enactment of a statutory code on similar lines for the Saorstát. This has been effected by the Industrial and Commercial Property (Protection) Act (No. 16), which consists of 187 sections mostly on procedure. The uncertainty as to the validity in the Saorstát of British grants, and the doubts cast on the title to patents, trade marks and copyright granted

or issued since the Treaty, have been cleared up by this enactment and vested interests in such have been protected.

Part I of the Act establishes an Industrial and Commercial Property Registration office, with branches for patents, designs and trade marks, with a Controller appointed by the Executive Council. He is a corporation sole and has an official seal (ss. 5 and 6).

Part II deals with patents and is mainly concerned with procedure on the same lines as that in force for British patents in London. The right to apply for registration is extended to cover those who may have applied since December 6, 1921, either to the Minister of Economic Affairs under the Provisional Government or to the Ministry of Industry for the Saorstát, and they are entitled to have such application treated as an application under this Act. The same privilege is granted to those who may have, since December 6, 1921, obtained protection for any invention in a British Dominion or foreign State with which there is an international agreement (s. 12, subss. 1 and 2). As regards British patents s. 28 provides that every patent granted from the Patent Office in London prior to this Act shall be deemed to have been a valid patent in the Saorstát since December 6, 1921, and shall be also deemed to be a patent granted under this Act. Ss. 62 and 63 establish a register for patent agents and provide for qualifications and control.

Part VI as to copyright contains nothing of a distinctive character. All common law rights to copyright are abrogated and the only rights in the Saorstát are those given by the Act. Special privileges are given for the translation of works copyrighted in the Saorstát into the Irish language after the expiration of ten years from publication, unless the work has been already translated into Irish. British, Dominion and foreign copyright are protected by orders made by the Governor-General on the advice of the Executive Council, through the extension of this part of the Act to works first published in the British Dominion or foreign country.

In the miscellaneous provisions as to copyright (Part VII) it is provided that the publisher of every book first published in the Saorstát shall deliver one copy to the National Library of Ireland, one copy to the Library of Trinity College, and three copies to the National University of Ireland, for the use of its three constituent colleges, and one copy to the British Museum. The publisher is also bound, on application being made to him, within twelve months of publication to deliver one copy each to the Bodleian Library, Oxford, the University Library, Cambridge, the National Library of Scotland and the National Library of Wales. The copy to be delivered to the British Museum shall be of the best character in which the book is published and on the best paper. The other copies shall be of the issue of which the largest number is prepared for sale.

Railways.—Owing to the effect of motor and bus traffic on railway returns, the Railways (Road Motor Service) Act (No. 17) was passed. It authorizes railways within the Saorstát to run road motor services and apply their funds for the purposes of so doing. Under s. 3 the route or routes selected by the railways for road motor service must be approved by the Minister of Industry. If it is a road on which there is already a regular motor service run by any person or company, their representations against the approval of the Ministry must be taken into consideration by him. Under s. 4 the schedule of maximum charges

must be submitted to the Minister, who refers the consideration thereof to the Rates Advisory Committee, and the Minister on receiving their report makes such order as he thinks proper, these matters by s. 10 being taken out of the jurisdiction of the Railway Tribunal. By s. 5 a railway company cannot withdraw or discontinue a permanent motor service without the permission of the Minister.

Land.—The Land Act (No. 19) deals in over 50 sections with many practical and technical difficulties which arose in the working of the principal Land Act (No. 42 of 1923). A few of these only are of general interest. S. 2 enables the Land Commission, on fixing the appointed day for the transfer of a holding to a tenant, where the compounded arrears of rent under s. 19 of the Act of 1923 have not been collected, to add the compounded arrears to the purchase money to be repaid by an annuity at the rate of $4\frac{3}{4}$ per cent. on the amount to be charged on the holding and added to the standard purchase annuity. As to any holding to which the Land Act of 1923 applies, there is a prohibition against subletting, subdivision, or cutting trees without the consent of the Land Commission (s. 3) and the provisions against subdivision and subletting apply also to holdings purchased prior to 1923 and to consolidated holdings. Under s. 7 tenanted land portion of which is suitable for building ground may be subdivided and each part held as a separate holding, and the Land Act of 1923 shall not apply to the portion which has a potential or actual building utility. Stud farms for the breeding of thoroughbred stock are, by s. 9, conditionally excluded from the Act. S. 11 contains an important provision enabling, subject to conditions, the owners of untenanted lands in a non-congested district held under an unexpired fee farm grant, lease for lives or years renewable for ever, or, lease of which sixty years or more are unexpired, to apply to the Land Commission for an order that the lands shall vest in them in like manner as if it were in a congested area.

The remaining provisions of the Act are concerned with matters of detail in procedure in the administration of the Act of 1923.

Agriculture.—The Agricultural Credit Act (No. 24) was passed to afford state aid to farmers. The principle adopted was to establish an agricultural credit corporation to give financial support to persons engaged in agriculture and businesses ancillary thereto and to authorize the State to give guarantees in relation to the capital of the corporation. The capital of the corporation is to be £500,000, of which £200,000 shall be offered to banks carrying on business in the Saorstát, and £300,000 shall be offered to the public, the portion not so taken up to be subscribed for by the Minister (s. 5). In the event of the winding up or failure of the corporation the State secures the repayment of the capital of the company to the shareholders (s. 6) and in respect of the statutory dividend of 5 per cent. on the capital, if necessary the State will advance the required amount (s. 7). S. 12 sets out the limitations upon the company in making advances to farmers. These loans can be made for constructing buildings on the farm, or making permanent improvements, or for purchasing live stock, machinery, etc., necessary for working the farm; they can also be given to co-operative societies engaged in giving agricultural credit or the production or marketing of agricultural produce, machinery, foodstuffs, manures, seeds, etc., or for paying off loans incurred by persons requiring same for the purchase of land. Generally the loans can be made for purposes in the general interest of

the farming community (s. 12, subs. 3). The Minister may hold shares in the company on behalf of the Exchequer (s. 20), and he has the right to nominate three out of the seven directors. All moneys required by the Minister in respect of payments made by him are charged on and payable out of the Central Fund.

In Part III of the Act a new system for the registration of chattel mortgages to the company or a recognized bank of farming stock or machinery is instituted. There are two classes, specific chattel mortgages, and floating chattel mortgages, the latter covering the stock from time to time on the farm. By s. 32 bills of sale on farming stock are rendered void and of no effect. S. 26, dealing with the operation and effect of specific chattel mortgages, entitles the mortgagee without notice to enter, seize and sell the chattel if the mortgage debt is not discharged within seven days of the due date ; it further prohibits the mortgagor from selling any of the mortgaged stock without three days' notice to the mortgagee and obliges him to pay the proceeds to the mortgagee or as the latter may direct. There is also a statutory covenant to pay and to keep and preserve the stock. By s. 27 the operation and effect of the floating chattel mortgage is to create a floating ambulatory and shifting charge of the principal moneys and interest, on all farming stock from time to time on the farm, and to prohibit the mortgagor from selling same save in the ordinary course of farming. When the mortgagor sells the stock he must pay so much as the mortgagee requires in reduction or discharge of the mortgage debt. If the principal debt is unpaid for one month after the due date or the interest two months in arrear the mortgagee can serve a notice on the mortgagor that the charge has become fixed, whereupon it operates to all intents as a specific chattel mortgage on the stock on the farm as of the date of the service of the notice. By s. 2 a debtor who seeks from any person a grant or a continuance of credit is bound, if requested, to disclose whether there is or is not a chattel mortgage on the debtor's farming stock and by s. 30 in dealings with the company or a recognized bank he must furnish a statement of his existing indebtedness. Notice of an intention to take a chattel mortgage by the company or a recognized bank must be served on all existing creditors within the meaning of the Act. Omission to take these precautions renders the chattel mortgage fraudulent and void as against an existing creditor.

Medical Profession.—The difficulties which had arisen as to the exact legal position of the medical profession since the passing of the Constitution of the Saorstát had been the subject-matter of much difficulty and consideration. The main difficulties were how far past and future registration on the General Medical Register was to be recognized in the Saorstát, how far doctors qualified in the Saorstát and registered on a Saorstát Register were to be entitled to recognition by the General Medical Council, and what disciplinary control was respectively to be exercised by the responsible authorities. The final solution was found in the agreement entered into, with the approval of the medical authorities, by the Governments of Great Britain, Saorstát Eireann and Northern Ireland, taking effect as of the date May 29, 1927. This agreement was confirmed, with all necessary and supplemental provisions, by the Oireachtas in the Medical Practitioners Act (No. 25). The main objects of the agreement, as confirmed, were to leave disciplinary powers over Irish practitioners in the Saorstát in the hands of the Irish Medical

Council, in the first instance; to validate the position of the existing medical practitioners and registered students in the Saorstát and to facilitate the medical students who might in the future qualify through Irish colleges to be registered in the Register of the General Council with all its valuable attendant advantages. The latter provision involved the exercise by the General Council of a supervisory jurisdiction over the standard of the medical examinations in the Saorstát as heretofore. By clause 3 of the agreement it was agreed that notwithstanding any of the Acts of the Imperial Parliament or the Constitution or Acts of the Saorstát, the constitution of the General Medical Council and the powers vested in certain universities and institutions in Ireland for holding qualifying examinations and granting diplomas for the purpose of registration in the General Register should be deemed not to have been affected and the jurisdiction for keeping the register was to be vested in the General Medical Council and the Branch Council for Ireland. By clause 4 it was agreed that any person registered in the General Register should be entitled to be registered in the Saorstát Medical Register and that there should be what may be described as mutual recognition of the black lists, clause 6 containing provisions to prevent simultaneous inquiries in the same disciplinary case. The Act itself by s. 3 establishes a Medical Registration Council for the Saorstát, consisting of eleven members, two nominated by the Executive Council, two elected by the medical practitioners resident in the Saorstát, three nominated by the constituent colleges of the National University, and one each from the University of Dublin, the Apothecaries Hall, the Royal College of Surgeons, and the Royal College of Physicians. S. 21 establishes a Medical Register for the Saorstát. On the establishment of this register, s. 24 entitles to registration every person previously registered in the General Register, resident in the Saorstát; and every registered medical practitioner in the General Register, resident outside the Saorstát, who within one month applies for such registration. No fee is payable for either of these registrations. After the establishment of the register, s. 25 entitles to registration on application at a prescribed fee any person registered in the General Register, and any person who possesses any of the recognized qualifying diplomas from a university or institution in the Saorstát. Under s. 26 any person registered as a practitioner in a British possession, self-governing dominion or foreign country may apply to be registered, if the Executive Council, on the application of the Medical Council of the Saorstát, make an order applying the section to such territory. There are also provisions for maintaining the standard of efficiency in the qualifying examinations.

Electricity.—The Electricity Supply Act (No. 2), containing three sections, is of considerable importance as its main object is to give effect to the policy of the Government to supply the Saorstát with electric current and power from the State works in connexion with the Shannon hydro-electric scheme established under No. 26 of 1925.

With a view to the economic and efficient control of the Shannon works in management, generation, transmission, distribution and supply, the Act of 1927 proceeds in Part I to establish an Electricity Supply Board for the State, of not more than six members. By ss. 17 and 18 the Minister shall on the completion of the Shannon works or part thereof by the contractor transfer same with the chattels to the Board and by s. 19 it shall be the duty of the Board to produce and generate

electricity therefrom and transmit same throughout the transmission system of the Shannon works and any extension thereof; to control, manage and maintain the works; to distribute, utilize and sell the electricity generated and promote the use of same; and to co-ordinate, control and improve the general distribution of electricity in the Saorstát. But where there is already an authorized undertaker, that is, a person authorized by statute or provisional order to generate, distribute and supply an area, the Board cannot compete in that district unless with the consent of the authorized undertaker or by special power given under Part II of the Act. Ss. 38–40 of the Act give the Board power to acquire authorized undertakings or to control them, or to separate an authorized undertaking from a joint business, *e.g.* a railway or tramway undertaking. The Board is entitled, under s. 50, to maintain shops and showrooms for the display and sale of electric appliances. If the Board offers to an authorized undertaker or statutory undertaker a bulk supply of electricity at a charge less than the cost of generating by such undertaker, the latter is bound to take the supply from the Board (s. 56). Incidental to this, the Board has power to close generating stations, in the event of their refusal to take a cheaper supply from the Board. By s. 59 all methods and rates of charge are fixed by the Board for all undertakings.

Part III of the Act contains provisions as to the powers to be exercised by and the duties devolving on local authorities who are also authorized undertakers. Part IV contains a few amendments of the provisions of the Shannon Electricity Act, 1925, and in Part V we have the procedure for arbitration of disputes, the exemption of the Shannon works from rates, the conversion of authorized company undertakers into authorized undertakers under this Act and other minor matters.

Electoral.—The Electoral Amendment Act (No. 21) was passed to make such amendments in the Electoral Act, 1923, as had been rendered necessary by the amendment of the Constitution, or were otherwise desirable, and to fix the maximum duration of the Oireachtas at a period of five years in lieu of four, the period mentioned in Art. 28 of the Constitution and within the maximum of six years fixed by the amended article pursuant to No. 4 of 1927, already referred to. Under No. 5 Art. 21 of the Constitution was amended so as to relieve the Speaker of the Dail (Ceann Comhairle) from an actual election on a dissolution. The details of this are carried into effect by s. 2 of No. 21, whereby he is deemed not to be a candidate at such election for his former constituency, and the writ to be issued to the returning officer shall direct him to cause an election to be held for one less than the full number for that constituency, and subsequently he is to return in the public notice of elected candidates the name of the outgoing Ceann Comhairle as elected.

The Electoral Amendment (No. 2) Act (No. 5) makes it compulsory on candidates for election to Dail Eireann or Seanad Eireann to make before nomination a declaration on oath of intention to take their seats and to take the oath required by Art. 17 of the Constitution to be taken by members of the Oireachtas after election. The oath under Art. 17 is of allegiance to the Constitution of the Saorstát and " to be faithful to His Majesty the King in virtue of the common citizenship of Ireland with Great Britain and her membership of the British Commonwealth of Nations." As a matter of history it will be remembered that by reason of the members of the Republican party refusing to enter the Dail and

take the oath after election, a large portion of the electorate was not represented in the Dail. The object of this Act was to force them to take the oath or render them ineligible for nomination. At the election ensuing on this Act the candidates for the Republican party made the declaration on nomination and took their seats in the Dail having complied with the provisions of Art. 17. It has been referred to as the "empty formula election" from a phrase used by Mr. De Valera. Under s. 4 a period of two months after election is given within which the oath may be taken in the House.

The Local Elections Act (No. 39) deals with some matters concerning the elections for local authorities such as county councils, borough councils, urban district councils and town commissioners. Under the Local Elections Act, No. 42 of 1925, such elections had been postponed for three years, until 1928. By this Act they are to be triennial and held between June 23 and July 1. By other sections of the Act these bodies are bound to hold annual and quarterly meetings for certain purposes.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[It is hoped to publish this Summary in the next *Review*.]

2. ALBERTA.

[*Contributed by* JOHN D. HUNT, ESQ., *Clerk of the Executive Council.*]

Wolf Bounty.—By Act No. 16 the Minister may direct the payment out of the General Revenue Fund of the following sums by way of bounty, that is to say, on the pelt of (*a*) any male timber wolf other than a wolf pup, $10; (*b*) any female timber wolf other than a wolf pup, $20; (*c*) any wolf pup, $2; (*d*) any prairie wolf killed between April 30 and September 1 in any year, $2.

Upon the payment of bounty on the pelt of any prairie wolf or wolf pup, such pelt shall become the property of the Government of Alberta.

Any person making a claim for bounty under this Act in respect of the pelt of a wolf killed elsewhere than in the Province of Alberta shall be liable on summary conviction to a penalty not exceeding $100 and costs for each such pelt.

Game.—By Act No. 15 the close season for antelope is extended indefinitely.

The charge for a special licence authorizing the hunting of deer moose and cariboo in authorized reserves during September and October for residents is increased from $2·50 to $5 and for non-residents from $25 to $50.

The shooting of plover and yellow legs is prohibited for five years.

No person shall hunt, trap, take, shoot at, wound or kill ruffed grouse, commonly called partridge, or sharp-tailed or pinnated grouse, commonly called prairie chicken, at any time.

A bag limit is fixed of fifteen geese per day.

The Lieutenant-Governor in Council is given the same authority to fix a close season or an open season other than the seasons fixed in the Act, with respect to fur-bearing animals as he now has with respect to big game and game birds.

Foxes must not be trapped between the first day of March and the first day of November.

The Act provides for an open season for muskrats during March and April. Provided that in the section of the Province north of township 90 the open season shall be from March 1 to May 15.

No person shall at any time except under a special permit spear any muskrat.

The licence for non-residents to kill big game, game birds and fur-bearing animals is increased from $25 for a general licence, $5 for a bird licence and $25 for a licence to trap fur-bearing animals, to $50 for a licence to hunt big game and game birds, $5 for a licence to hunt game birds and $50 for a licence to trap fur-bearing animals.

Wills.—By Act No. 21 no will shall be valid unless (*a*) it is in writing executed in the following manner: (i) it shall be signed at the end or foot thereof by the testator or by some other person in his presence and by his direction, and (ii) such signature shall be made or acknowledged by the testator in the presence of two or more witnesses, present at the same time; and (iii) such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary; or (*b*) it is a holograph will wholly in the handwriting of the testator and signed by him, whether made or acknowledged in the presence of any witness or not; or (*c*) it is the will of a member of the naval, military, air or marine forces, made in accordance with the provisions of this Act.

Every will shall be deemed to be valid if the signature is so placed at or after or following or under, or beside, or opposite to the end of the will that it is apparent that the testator intended to give effect to the will by such signature.

If any person who attests the execution of a will to whom or to whose then wife or husband any beneficial devise is thereby given or made such devise shall so far only as concerns the person attesting or such wife or husband or any person claiming under such wife or husband be null and void; provided that where the will is sufficiently attested without the attestation of any such person or where no attestation is necessary such devise shall be valid.

No person shall on account of his being an executor of a will be incompetent as a witness to prove its execution.

Every will shall be revoked by the marriage of the testator, except (*a*) where it is declared in the will that the same is made in contemplation of such marriage; or (*b*) where the will is made in exercise of a power of appointment and the property thereby appointed would not in default of such appointment pass to the heir, executor or administrator of the testator or to the person entitled to the estate of the testator in case he died intestate.

Every will shall be construed to speak and take effect as if it had been made immediately before the death of the testator.

Every illegitimate child of a woman shall be entitled to take under a testamentary gift by or to her or to her children or issue

the same benefit as he or she would have been entitled to if legitimate.

Domestic Relations.—No. 5 is a new Act and is largely a codification of the law (*a*) which is in force in the Province by virtue of having been English law upon July 15, 1870; (*b*) which is in force in the Province by virtue of provincial enactments.

It is divided into nine parts: (1) Restitution of Conjugal Rights. (2) Judicial Separation: A special definition of "cruelty" is given which extends the older judicial meaning of the word to a considerable extent. (3) Alimony: The Court shall have jurisdiction to grant alimony to a wife in an action limited to that object, only and in any case where such wife would be entitled to a judgment of judicial separation. No order shall be made where the wife has from any source whatsoever sufficient means of support independent of her husband: An order may direct the payment of periodical sums of money and the amount shall be in the discretion of the judge. After an order for alimony has been made and during its subsistence and payment of the alimony, the husband shall not be liable for necessaries supplied to his wife. (4) Protection Orders: Any married woman deserted by her husband may apply to a police magistrate, who may order that the husband shall pay such weekly sum, not exceeding twenty dollars, as the police magistrate, having regard to the means both of the husband and wife, shall consider reasonable. (5) Loss of Consortium: A person who without lawful excuse knowingly or wilfully persuades or secures a woman to leave her husband against the latter's will shall be liable to an action for damages by the husband. A husband shall also have a right of action for damages against any person who without lawful excuse knowingly receives, harbours and detains his wife against his will. (6) Jactitation of Marriage: If a person persistently and falsely alleges that he is married to another the latter may in an action of jactitation of marriage obtain a judgment forbidding the former to make such allegations. (7) Adoption of Children: This part contains most of the provisions that were formerly included in the Infants Act. (8) Legitimation: Where the parents of any child born out of lawful wedlock have intermarried after the birth of the child and prior to the passing of this Act, the child shall for all purposes be deemed to be and to have been legitimate from the time of birth. (9) Guardianship: This part includes corresponding sections from the Infants Act.

Ss. 21, 22 and 23 of the Judicature Act being c. 72 of the Revised Statutes of Alberta, 1922, and ss. 2 to 9 inclusive and 22 to 33 inclusive of the Infants Act, being c. 216 of the Revised Statutes of Alberta, 1922, are hereby repealed.

This Act shall come into force upon Proclamation.

3. BRITISH COLUMBIA.

[*Contributed by the* LEGISLATIVE COUNSEL.]

The Summary published in vol. 10, pt. ii, at p. 46, covers all the legislation passed in this Province in 1927. The only session of the Legislature held that year was one which began in 1926 and extended to 1927.

4. MANITOBA.

[*Contributed by* ERSKINE W. IRELAND, Esq., LL.B.]

Acts passed—125; Public—115; Private—10.

Amusements.—The effect of c. 1 is to remove the tax on tickets of 25 cents and under and to exempt lectures, chautauquas, musical recitals, non-professional games, picnics, toboggan slides, dances, mechanical riding devices, park or beach attractions, and entertainments the net receipts of which are devoted to religious, patriotic, charitable or educational purposes.

Apportionment.—Under c. 2 an annuity, rent, dividend or other periodical payment is made to accrue from day to day and to be apportioned accordingly. The Act does not apply to the estate of any person dying before May 1, 1927.

Child Welfare.—By c. 3 a neglected child may be a child whose surviving parent is in prison or in a hospital for mental diseases and there is no other person who may be required to maintain such child. A further amendment permits a magistrate on taking a complaint in illegitimacy proceedings, before the child is born, to satisfy himself that the mother's evidence can be corroborated by some material evidence implicating the accused—so that the man, if the case cannot be proved against him, need not be imprisoned when he cannot furnish a bond to appear until after the birth of the child. Any Children's Aid Society having in its possession savings from earnings belonging to a child under its care may invest the same in the name of and as trustee for such child. Where children are inmates of an institution in a municipality, they are not to be deemed residents of the municipality for the purpose of making the municipality responsible for their maintenance.

Small Debts Recovery.—C. 4 permits the magistrate several alternatives when the defendant fails to appear; he may adjourn the hearing, or on proof of personal service of the summons give judgment with costs against the defendant by default, or require the plaintiff to prove his claim and on proof of personal service of the summons give judgment with costs for all or a portion of the claim.

Devolution of Estates.—It is provided by c. 5 that if an intestate dies leaving a widow and one child, one-half of his estate, instead of one-third, goes to the widow. Where there is no widow and there are no children, the father and mother are given equal rights in the estate—under the former law the father in such case took all. An illegitimate child may inherit from the mother where there is no will, and through the mother if she is dead, as if legitimate. The estate of an illegitimate child who dies without a will goes to the mother, but if she is dead, then to her own children.

Dower.—C. 6 provides that every wife (or husband as the case may be) entitled to dower rights in a homestead may protect those dower rights by the registration of a caveat in the case of a homestead under the Torrens system, or by the registration of a notice and affidavits in the case of old system lands.

Evidence.—The Manitoba Evidence Act is amended by c. 16 which permits a bank, in court proceedings to which it is not a party, to prove entries in its books by the affidavit of the manager or accountant instead of by personal evidence.

Fodder.—C. 18 provides for the distribution of feed, oats, hay or straw to farmers in need—unfavourable climatic conditions during the harvesting season of 1926 having caused a shortage of fodder in certain portions of the Province. The Province has a lien and charge upon the lands owned by each farmer to whom feed, oats, hay or straw has been delivered under the Act.

Garage Keepers.—Under c. 21 the garage keeper may detain in his custody or possession before the same shall have been removed out of his custody or possession, but not afterwards, any motor-vehicle or part, accessory or equipment pertaining thereto, belonging to any person who is indebted to him for any service.

Hospital Aid.—C. 24 requires a patient in hospital to give precise place of residence and to certify to the correctness of the account—in order to assist the municipalities which may be liable to the hospital for the accounts.

Humane Societies.—By c. 25 an inspector or agent of the society is given the authority of a constable. He may enter any building, enclosure, car, truck, vehicle or vessel in which he has reasonable grounds for supposing that any animal is being ill-treated or neglected and may remove therefrom any such animal.

Income-tax.—C. 26 reduces the income-tax in 1927 by 20 per cent. There is a section which provides that the tax in subsequent years shall be reduced by the percentage thereof which 20 per cent. of the surplus of provincial revenue over expenditure of the then preceding calendar year bears to $500,000.

Interpretation.—C. 28 permits a magistrate or judge to impose hard labour in a conviction with imprisonment for breach of a provincial law.

Lien Notes.—C. 30 repeals the clause by which machinery (furnaces, oil burners, electric plants, etc.) in residences and apartment blocks was given the effect as if affixed to the realty.

Liquor Appeal.—C. 31 places a limit of $100 on the costs of appeal taxable to the successful party, but the Court of Appeal is to have a discretion to order the allowance of a greater amount.

Government Liquor Control.—By c. 32 the Liquor Commission receives wide powers to make regulations. Brewers must take out a permit and pay an annual fee of $1,500. The Commission may issue or refuse the permit or may cancel or suspend any permit issued. The records of brewers shall be open to the inspection of any inspector under the Manitoba Temperance Act, policeman, constable or peace officer. Any brewer who holds a brewer's permit may deliver beer, and all deliveries must be accompanied by a delivery slip. The transportation of beer without a delivery slip in the manual and physical possession of the driver of the vehicle transporting the beer shall in any proceedings be *prima facie* evidence that the person charged is guilty under the liquor laws of the offence of illegal sale of liquor.

Temperance.—C. 33 provides new and stricter penalties, among which the most notable is the power of a magistrate to impose imprisonment for a first offence. Power to suspend sentence is given in cases of conviction for the first time where there are extenuating circumstances and the offence is in keeping for sale or selling liquor unlawfully.

Lunacy.—C. 35 permits reciprocal administration of estates of insane persons as between Provinces, when the estate is located in several Provinces.

Mines.—By c. 38 the Lieutenant-Governor in Council is empowered to make general rules for the protection of workmen engaged in and about mines, for the inspection of mines, and for regulating the age and sex of persons who may be employed and setting the maximum number of working hours during which they may be employed in or about a mine.

Motor-vehicles.—It is provided by c. 39 that number plates are not to be obscured or obstructed by bumper bars, crank handles, radiator covers, spare tires or by any part of the motor-vehicle or its accessories or by the load carried. Windshield wipers must be part of the equipment.

Plebiscite.—C. 44 was passed so that the will of the people in the matter of the sale of beer might be ascertained. The electors approved of the sale of beer by the glass under Government regulation in licensed premises without a bar, for consumption on the premises, such premises to be licensed by the Liquor Commission, and the licences to be subject to cancellation by the Commission upon any infraction of the law or of the regulations governing same.

Seed Grain.—C. 55 is similar to the Seed Grain Act, 1926. Rural municipalities may borrow up to $50,000 to spend in distributing seed grain (including potatoes) to farmers in need of same. In the case of unorganized territory, the Lieutenant-Governor in Council may authorize the Minister of Agriculture to spend up to $25,000 for the same purposes.

Succession Duties.—By cc. 57 and 58 charitable bequests are exempted from succession duty. Approved trust companies are not required to furnish sureties. A judge in extending the time for payment of succession duty may also extend the time for charging interest on unpaid duty.

Threshers' Lien.—C. 64 extends the time within which a thresher must sell grain retained by him for his threshing bill to sixty days and requires the thresher within fifteen days after the sale thereof to render to the farmer a statement of the account between them.

Trustees.—C. 65 permits trustees to sell grain grown on a trust estate to a grain pool, notwithstanding that a portion of the price is deducted to form a reserve fund or facilities for the marketing of the grain.

Companies Winding-up.—C. 67 permits a shareholder holding at least five shares to make an application for a winding-up order.

5. NEW BRUNSWICK.

[*Contributed by* M. B. Dixon, Esq., K.C.]

Acts passed—85; Public—39; Private—46.

Appropriation.—Act No. 1 provides $1,136,028 for civil government, and by Act No. 2, $677,785 for roads and bridges and public works is provided.

Intoxicating Liquor.—Act No. 3 provides for the appointment of a Board of Commissioners to be known as the New Brunswick Liquor Control Board, with authority to purchase intoxicating liquors, to establish stores throughout the Province for the sale of the said liquors by retail, in quantities of not less than one pint and not exceeding one quart at any one time. The purchaser is not allowed to open or to consume the said liquor except in his own house or private room in a hotel or boarding house. Any person dealing with, selling or having in his possession any liquor, except such as he may have purchased from the said Board, may be prosecuted, and on conviction is liable to pay a heavy penalty and to be imprisoned for a term of from three to six months.

Mining.—Act No. 4 provides for the issuing of licences to prospect or search for minerals, and the leasing of mining areas and recording same and the area of such licences or leases. Provision is also made for staking claims and applying for licences or leases; for surrendering or forfeiture of leases; for right-of-way over adjoining lands and for entering on crown lands or granted lands to search for minerals.

Mechanics' Liens.—Act No. 5 provides for mechanics and workmen to have a lien on building or structure for unpaid wages and for materials supplied, to have priority over all other liens. The time within which a claim is to be made and proceedings taken to enforce a lien is limited.

Provincial Police Force.—Act No. 9 provides for the appointment of a chief of police and policemen to be appointed by the Lieutenant-Governor in Council. Regulations may be made by the Lieutenant-Governor in Council, fixing salaries and the rights and duties of the said policemen.

The Acts not above referred to are of minor importance and chiefly slight amendments to other Acts.

6. NOVA SCOTIA.

[*Contributed by* F. F. MATHERS, ESQ., *Deputy Attorney-General.*]

Training School for the Treatment, Care and Education of Mentally Defective Children.—The Training School contemplated by c. 5 is a Government institution under the management and general direction of a Board of Management appointed by the Governor in Council, the expense of providing a school and maintaining it to be borne by the Government.

Constitution.—C. 13, amending c. 2 Revised Statutes, 1923, Of the Constitution, Powers and Privileges of the Houses, and c. 9 Revised Statutes, 1923, the Public Service Act, does away with the rule previously in force that a Minister of the Crown appointed to that office whilst holding a seat in the House of Assembly vacates his seat and must run another election.

Evidence.—By c. 48, amending c. 225, Revised Statutes, 1923, every proclamation and every order made or issued by the Governor-General of Canada or by the Governor-General of Canada in Council, or by the Lieutenant-Governor of Nova Scotia, or by the Lieutenant-Governor of Nova Scotia in Council, and every publication thereof in the *Canada Gazette* and in the *Royal Gazette*, shall be judicially noticed by all courts, magistrates, justices of the peace and others.

A further amendment, c. 49, prohibits the issue of a subpœna requiring any person having the custody of public documents of the Province to produce the same before tribunals unless the subpœna is issued upon an Order of the Court or a judge.

None of the fifty-six Public Statutes passed in the year 1927, except those above mentioned, appears to be of any interest with regard to Comparative Legislation.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, K.C., *Dean, Osgoode Hall Law School, Toronto.*]

Acts passed—150; Public—98; Private—52.

The first session of the seventeenth Legislature of Ontario began on February 2 and ended on April 5, 1927. The annual volume contains 962 pages, of which 756 are occupied by public Acts. Some of these

public Acts are consolidating Acts, passed on the recommendation of the commissioners charged with the preparation of the Revised Statutes of Ontario, 1927, as, for example, the Mining Act (c. 15, 120 pages), the Power Commission Act (c. 17, 48 pages), and the Public Health Act (c. 73, 58 pages).

Consolidation of the Statutes of Ontario.—It is the practice in the several Provinces of Canada from time to time to consolidate and revise the whole body of public statutes, and reprint and re-enact them with new consecutive chapter and section numbers. In Ontario, and its predecessor Upper Canada, the public statutes were consolidated in 1859, 1877, 1887, 1897 and 1914, and now in 1927 (c. 3) legislative authority is given to the promulgation of the Revised Statutes of Ontario, 1927, provision being made for the inclusion therein of the amendments made in the session of 1927 itself.

Proviso for Defeasance in Short Forms of Mortgages.—For many years past conveyancers in Ontario have used statutory short forms of mortgages, to which they are at liberty to add and do commonly add many special provisions. The extreme brevity of the "short form" may be illustrated by the case of the proviso for defeasance (which is usual in Ontario instead of a proviso for reconveyance). This proviso in the short form is as follows:

Provided this mortgage to be void on payment of of lawful money of Canada, with interest at per cent., as follows: and taxes and performance of statute labour.

If the mortgage is expressed to be made in pursuance of the Short Forms of Mortgages Act, then the proviso in this form had, until 1927, the same effect as if the following had been written out in full in the mortgage:

Provided always, and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns, or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns, the just and full sum of of lawful money of Canada, with interest thereon, at the rate of per cent. per annum, on the days and times, and in manner following, that is to say:

without any deduction, defalcation or abatement out of the same for or in respect of any taxes, rates, levies, charges, rates, assessments, statute labour or other impositions whatsoever already rated, charged, assessed or imposed or hereafter to be rated, charged, assessed or imposed by authority of Parliament or of the Legislature, or otherwise howsoever, on the said lands and tenements, hereditaments and premises with the appurtenances, or on the said mortgagee, his heirs, executors, administrators or assigns, in respect of the said premises, or of the said money or interest, or of any matter or thing relating to these presents, and until such default as aforesaid shall and will well and truly pay, do and perform or cause or procure to be paid, done and performed, all matters and things in this proviso hereinbefore set forth, then these presents and everything in the same contained shall be absolutely null and void.

As a result of an amending Act (c. 28), the short form of proviso already quoted will now be equivalent to the following:

Provided always and these presents are upon this express condition that if the said mortgagor, his heirs, executors, administrators or assigns,

or any of them, do and shall well and truly pay or cause to be paid unto the said mortgagee, his executors, administrators or assigns the just and full sum of [amount of principal money] of lawful money of Canada with interest thereon at the rate of [rate of interest] per centum per annum on the day and time and in the manner following, that is to say [terms of payment of principal and interest] without any deduction or abatement, and do and shall also pay any taxes, rates, levies, charges or assessments upon the said lands or in respect thereof no matter by whom or by what authority imposed which the said mortgagee, his executors, administrators or assigns shall have paid or shall have been rendered liable to pay, and do and shall also pay all such other sums as the said mortgagee, his executors, administrators or assigns may be entitled to by virtue of these presents, then these presents and everything in the same shall be absolutely null and void; but nothing in this proviso or these presents shall make the mortgagor, his heirs, executors, administrators or assigns liable to pay to the mortgagee, his executors, administrators or assigns any tax, rate or charge imposed upon the mortgagee, his executors, administrators or assigns in respect of the income derived by him or them in respect of the mortgage money or in respect of the devolution of the interest of the said mortgagee in the said lands or money.

It will be observed that in its amended form the proviso for defeasance expressly covers, not only the principal and interest covenanted to be paid, but also taxes, etc., imposed upon the mortgagee, as well as any other sums to which the mortgagee may be entitled under the mortgage. It would appear that under the amended form no question could arise such as that involved in *Williams* v. *Morgan*, [1906] 1 Ch. 804, in which it was held that there was no forfeiture, and therefore no foreclosure, for non-payment of interest half-yearly, because the proviso for reconveyance did not import that interest should be paid half-yearly. Under the Ontario form failure to make any payment to be made under any provision of the mortgage would apparently constitute a breach of the proviso for defeasance, and therefore cause a forfeiture and give the right to foreclosure.

Legal Education.—Amendments of the Law Society Act, the Barristers Act and the Solicitors Act (c. 28) confirm the existing right of the Benchers of the Law Society of Upper Canada to make rules, regulations or by-laws respecting the admission of students at law and the call or admission of barristers and solicitors, provided such rules, regulations or by-laws are approved by the Lieutenant-Governor in Council; and only barristers or solicitors called or admitted by the Law Society are entitled to practise in Ontario.

Under the existing system, thus confirmed, the control of legal education is vested in the Law Society. All candidates for call to the Bar, or for admission as solicitors, must (*a*) be entitled to enter unconditionally the third or junior year of the course leading to the degree of Bachelor of Arts in an approved university, or (*b*) be graduates of an approved university. They must serve under articles for a period of five years in the case of class (*a*), and three years in class (*b*). They must also complete the three-year course of the Osgoode Hall Law School, which is maintained and directed solely by the Law Society, and the teaching staff of which consists of the dean and three other full-time teachers, in addition to some practising members of the bar who give only part of their time to teaching.

Special provision is made by the rules of the Law Society for the call to the Bar of Ontario, upon the satisfaction of certain merely formal

requisites, and the payment of a fee, of a member of the Bar of another Province or another British country, provided that there exist reciprocal arrangements by which an Ontario barrister may be called to the Bar in that province or country.

Sealing in Ontario of Probate or Letters of Administration.—An amendment of the Surrogate Courts Act (c. 31) changes the practice with regard to the sealing in Ontario of probates or letters of administration granted by a Court of the United Kingdom or other British country. As amended, and as it now appears in the Revised Statutes of Ontario, 1927, c. 94, the statute reads as follows, the words in italics being new:

68. (1) Where probate or letters of administration, or other legal document purporting to be of the same nature, granted by a court of competent jurisdiction in the United Kingdom, or in any province or territory of the Dominion, or in any other British possession, is produced to, and a copy thereof deposited with the registrar of any surrogate court, and the prescribed fees are paid as on a grant of probate or administration, the probate or letters of administration, or other document shall, under the direction of the judge, be sealed with the seal of the surrogate court, and shall thereupon, *as to personal property*, be of the like force and effect in Ontario, as if the same had been originally granted by such surrogate court, and shall, so far as regards Ontario, be subject to any other order made by such court, or on appeal therefrom, as if the probate or letters of administration had been granted thereby.

(2) *Where it has been shown that the will was executed in manner and form sufficient to pass real property within Ontario under the Wills Act and the judge so certifies, the sealing shall have the same effect as to real property as if probate had been granted by the said surrogate court.*

The reciprocal provisions, by which Ontario probates or letters of administration may be sealed in the United Kingdom, are to be found in the Colonial Probates Act, 1892. Presumably there are similar statutes in other provinces of Canada and in other parts of the British Dominions.

Vendors and Purchasers.—By a statute of 1926 [1] certain provisions are implied in a contract for the sale and purchase of land. Clause (*e*) of these provisions is amended (c. 37) so as to read as follows:

(*e*) The conveyance shall be prepared by the vendor and the mortgage, if any, by the purchaser and the purchaser shall bear the expense of registration of the deed and the vendor shall bear the expense of the registration of the mortgage if any.

Conditional Sales.—In Ontario, as in each of the other Provinces of Canada except Quebec, there is a Conditional Sales Act, which provides in effect that if the seller of a chattel gives possession to the buyer but reserves the title until payment in full of the price, and if the buyer in turn purports to sell or mortgage the chattel to a third party, a purchaser in good faith and without notice, the original seller is estopped from denying his buyer's right to sell or mortgage, unless the original seller has protected himself by registering the conditional sales agreement in a public office so as to give notice to persons dealing with the original buyer who is in possession with apparent ownership. By an amendment (c. 42) an attempt is made to deal with the case of a chattel which is the subject of a conditional sale outside of Ontario, and is then

[1] See the *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 63.

brought into the Province of Ontario, as follows (now R.S.O. 1927, c. 165):

10. When a contract has been made out of Ontario with reference to goods not then within Ontario which if made within Ontario and with reference to goods within Ontario would come within the provisions of this Act, or where under the law governing the contract the vendor has the right of revendication or to resume possession of the goods notwithstanding the possession of the purchaser upon default in payment of the price of the insolvency of the purchaser, and the goods are brought into Ontario, the purchaser shall be deemed to be the owner of the goods, unless the agreement or a caution under oath stating the nature of the agreement and of the right claimed, is filed in the same manner as a conditional sale agreement is required to be filed within thirty days after the goods are brought within Ontario.

Workmen's Compensation.—With regard to accidents happening outside of Ontario, certain provisions enacted in 1915, and amended in 1925,[1] are amended (c. 46) so as to read as follows (R.S.O. 1927, c. 179):

5. (1) Where the place of business or chief place of business of the employer is situate in Ontario and the residence and usual place of employment of the workman are in Ontario and an accident happens while the workman is employed out of Ontario and his employment out of Ontario has lasted less than six months, the workman or his dependents shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario.

(2) Where the place of business or chief place of business of the employer is situate in Ontario and the residence of the workman is out of Ontario but his usual and principal place of employment is in Ontario and an accident happens while the workman is out of Ontario merely for some temporary purpose connected with his employment, the workman or his dependonts shall be entitled to compensation under this Part in the same manner and to the same extent as if the accident had happened in Ontario.

(3) Where an accident happens out of Ontario and the employer's place of business or chief place of business is situate out of Ontario and the workman is entitled to compensation under the law of the place where the accident happens, compensation shall not be payable to the workman or his dependents whether he is resident within or without Ontario unless his place of employment is within Ontario and he is at the time of the accident out of Ontario merely for some casual or incidental purpose connected with his employment.

(4) Where an accident happens out of Ontario on a steamboat, ship or vessel or on a railway and the workman is a resident of Ontario and the work or service rendered by him is required to be performed both within and without Ontario, the workman or his dependents shall be entitled to compensation under this Part as if the accident had happened in Ontario.

(5) Except as provided in this section no compensation shall be payable under this Part where the accident to the workman happens while he is employed elsewhere than in Ontario.

Marriage.—The Marriage Act and amendments are consolidated and amended (c. 47). Ordinarily a person authorized to solemnize marriage in Ontario must be a minister or clergyman duly ordained or appointed according to the rites and ceremonies of the Church or denomination to which he belongs, or a commissioner or staff officer of the Salvation Army or elder, evangelist, missionary, teacher, etc., of some one of other specified religious bodies, chosen or commissioned by the Salvation

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, pp. 63, 64.

Army or other religious body to solemnize marriages. He must also be resident in Canada and, under a statute of 1921, must be registered in the Provincial Secretary's Office as a person authorized to solemnize marriages.[1] Now, by exception, it is provided that the Provincial Secretary may authorize the solemnization of a particular marriage by any person coming within the classes of persons above-mentioned who is a British subject and resident within the British Empire, though not resident in Canada. This amendment makes possible, what could not be done before even in the case of the most distinguished ecclesiastical visitor from the United Kingdom, namely, that special authority be given to a non-resident for a particular occasion.

The provisions of the Act relating to the consent of parent or guardian, and conferring upon the Supreme Court of Ontario the power to declare null marriages solemnized without such consent, are amended in some respects, and as they appear in the Revised Statutes of Ontario, 1927, c. 181, are as follows:

17. (1) Save in cases provided for by subsections 3 and 4 of this section and by section 18, where either of the parties to an intended marriage, not a widower or a widow, is under the age of eighteen years, the consent in writing of the father if living, or, if he is dead, or living apart from the mother and child, and is not maintaining or contributing to the support of such child, the consent in writing of the mother if living, or of a guardian if any has been duly appointed, shall be obtained from the father, mother or guardian before the licence is issued or before the proclamation of the intention of the parties to intermarry is made, and such consent shall be deemed to be a condition precedent to a valid marriage, unless the marriage has been consummated or the parties have after the ceremony cohabited and lived together as man and wife.

34. (1) Where a form of marriage is gone through between persons either of whom is under the age of eighteen years without the consent of the father, mother or guardian of such person, when such consent is required by the provisions of this Act, in the case of a licence, or where, without a similar consent in fact, such form of marriage is gone through between such persons after a proclamation of their intention to intermarry, such form of marriage shall be void and the Supreme Court shall have jurisdiction and power to entertain an action by the person who was at the time of the ceremony under the age of eighteen years, to declare and adjudge that a valid marriage was not effected or entered into, and shall so declare and adjudge if it is made to appear that the marriage has not been consummated and that such persons have not, after the ceremony, cohabited and lived together as man and wife, and that the action is brought before the person bringing it has attained the age of nineteen years.

From a strictly legal point of view the most interesting question arising under the sections just quoted is whether the requirement of the consent of parent or guardian, enforced by the provision conferring on the Court jurisdiction to declare the marriage null for want of such consent, falls within the legislative power of the Province ("Solemnization of Marriage") or whether it is *ultra vires* of the Province as being within the legislative power of the Dominion ("Marriage and Divorce"), especially in view of the opinions expressed in In re *Marriage Legislation in Canada*, [1912] A.C. 880. In favour of the legislative power of the Province is the case of *Stewart* v. *Stewart*, 1924, 56 O.L.R. 57. Against this is *Peppiatt* v. *Peppiatt*, 1916, 36 O.L.R. 427. Recently, in the case of *Marquhardt* v. *Gorr*, [1929] 1 D.L.R. 206, the question was con-

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 42.

sidered sufficiently doubtful to justify a reference to the Appellate Division of the Supreme Court of Ontario, and that Court has not yet given judgment.

Family Law.—An Act respecting the Maintenance of Deserted Wives and Children (c. 48), an Act to provide for the Maintenance of Parents by their Children (c. 49), an Act respecting Infants (c. 50), an Act for the Protection of the Children of Unmarried Parents (c. 51) and an Act respecting the Adoption of Children (c. 53) are all revised and consolidated editions of existing statutes [1] submitted by the commissioners in charge of the preparation of the Revised Statutes of Ontario, 1927.

Legitimation by Subsequent Marriage.—In 1921 Ontario joined most of the other Provinces of Canada in adopting the civil law principles of legitimation of children by the subsequent marriage of their parents, as recommended by the Conference of Commissioners on Uniformity of Legislation in Canada.[2] Notwithstanding the declaration of the statute that the child whose parents intermarry shall " for all purposes " be deemed to be and to have been legitimate from the time of birth, it was held in *Re W.*[3] that the Crown's right to an escheat on the death of the child intestate and without issue was not affected. It is now provided (c. 52) that the parents and brothers and sisters of any child legitimated by the Act shall inherit upon his death as though he had been legitimate. It is also provided (1) that a child born while its father was married to another woman or while its mother was married to another man shall not inherit in competition with the lawful children of either parent, but (2) that when a second marriage has taken place in the *bona fide* belief of the death of a former spouse and under such circumstances that the crime of bigamy has not been committed, the issue of such marriage conceived before knowledge of the Act that the former spouse is living shall in the case of intestacy of the father or mother inherit the estate of the father or mother equally with lawful children.

Government Sale of Liquor.—The Government of Ontario having gone to the country on a policy of government sale of liquor and having been returned to power by a large majority late in the year 1926, one of the important legislative acts of the session of 1927 was the enactment of the Liquor Control Act (c. 70), replacing the Ontario Temperance Act, 1916.[4]

The new Act creates a Board known as the Liquor Control Board of Ontario, with wide powers, including the exclusive power to buy, import and sell liquor, and the establishment of government liquor warehouses and stores.

Any person of the full age of twenty-one years may obtain an individual permit, good for one year, if he has resided in the Province for at least one month, and good for one month if he is temporarily resident or sojourning in the Province, and this permit enables him to buy liquor of any kind, in sealed packages, not to be opened on the premises of a government store or while in course of transportation from

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 42; vol. vi, pt. ii, p. 49; vol. vii, pt. ii, p. 55.

[2] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 42.

[3] (1925), 56 O.L.R. 611, [1925] 2 D.L.R. 1177.

[4] See especially *Journal of Comparative Legislation*, Third Series, vol. iv, pt. ii, pp. 37–38.

a government store. The liquor so purchased may be kept and consumed only in the purchaser's private residence or in his private guest-room in a club or hotel. Every purchase of liquor is evidenced by a written order signed by the purchaser, and a memorandum of the purchase is entered upon the permit. The Board may, for any cause which it considers sufficient, refuse to issue a permit to any person, or cancel or suspend any permit already granted.

Special permits may be granted to druggists, physicians, etc., to persons requiring liquor for the purpose of their mechanical or manufacturing business or for scientific purposes, and to priests, ministers of the gospel, etc., for sacramental purposes.

"Liquor" in the Act includes any alcohol, or alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor. It includes beer, but not "light beer." By exception, permits may be granted authorizing the sale of light beer in the premises designated in the permits. Manufacturers of native wines from grapes or cherries grown and produced in Ontario may sell, keep or offer for sale the same, in such quantities as may be permitted by the Board, for consumption in private residences. Brewers, distillers or other persons duly licensed under the provisions of any statute of the Dominion of Canada for the manufacture of liquor may have or keep liquor in a place and in the manner authorized by or under any such statute.

Under the Act no government store is to be established in any municipality in which, under the Canada Temperance Act or the former liquor licence Act of Ontario or any other statute, by "local option," the sale of liquor by retail was formerly prohibited. Any municipality may, in future, by a three-fifths vote of the electors, adopt the system of government sale of liquor, or of beer and wine, or of beer only, as the case may be, or, conversely, may, by a three-fifths vote of the electors, adopt the system of prohibition of sale of liquor of any kind within the municipality.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—32; Public—8; Private—24.

Public Health.—The duties and authority of provincial and local boards of health and of health officers are prescribed by c. 1. Provision is made respecting nuisances, inspection, cleansing, purifying, ventilating and disinfecting houses, churches, hospitals, assembly buildings, railway stations, public conveyances, etc. Regulations are made respecting noxious trades, slaughterhouses, interment, quarantine, vaccination, pollution of waters, management of dairies, construction of sewers, and other matters relating to public health.

Income-tax Exemption.—Income-tax exemption for married persons is fixed by c. 2 at $1,000 and for others at $750.

Live Stock Products.—The provisions of the Dominion Live Stock and Live Stock Products Acts, 1923, are, by c. 5, made applicable to the Province and inspectors appointed under that Act are to act and have authority in the Province. Egg-cases for export must be marked with the class and grade contained therein in accordance with the Canadian Standards.

Dairymen.—Amendments made, by c. 6, to the Dairymen's Association Act regulate the licensing, construction and management of Cream Dairy Stations.

9. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

Number of Acts passed—150; Public—76; Private—74.

The Statutes of the Province of Quebec were revised in 1925. Since then, up to 1927 inclusive, 71 chapters of the Revised Statutes have been amended, as well as 4 chapters of subsequent Statutes.

Election Act.—By c. 15, special polling stations must be established by the returning officer in certain municipalities mentioned in the Statute, and may be established by him elsewhere, upon his giving public notice of the location of such polling stations, of the days and hours when they will be opened and votes received therein, and of the days and hours where the special certificate entitling one to vote at such polling stations may be procured at his office. The only persons permitted to vote at a special polling station are railway employees, navigators and commercial travellers, who have reason to believe that their ordinary employment will on the general polling day necessitate their absence from their domicile. They must first secure a certificate from the returning officer, who notes the issuing of such certificate after their names in the voting list. They can then vote in any of the special polling stations in their electoral district. They are bound to take a special oath, in addition to the oath which they may be required to take. Special fines may be imposed for illegal practices under this Act.

Public Service Commission.—By c. 16 the president or vice-president of the Commission may sit alone to hear and decide any expropriation matter within the jurisdiction of the Commission. When the vice-president of the Commission is a member of the Bar, he must, like the president, give his attention exclusively to the work of the Commission and the duties of his office.

Agricultural Products.—By c. 24 a sum of $50,000 shall be annually placed at the disposal of the Department of Agriculture, in order to assist in the preparing, classifying and sale of agricultural products, to conserve and improve the present markets, and to find new ones in Canada, in the United Kingdom and abroad.

Agricultural Land Sales Act.—By c. 26 the Minister of Colonization may pay, out of the credits voted annually for such purpose, colonization premiums to encourage settlers to clear their lots and plough them and reside thereon.

Titles in Indian Reserves.—In *Attorney-General of Quebec* and *Attorney-General for Canada* (124 L.T., 513), the Privy Council, reversing the judgments of the Provincial Courts, held that the lands reserved for the use of certain Indian tribes, which have been disappropriated for such use belong in ownership to the Province of Quebec, and not to the Dominion. Settlers holding for agricultural purposes any such land under a title from the Government of Canada may obtain, free of charge, letters patent from the Province, provided that any sum due by them on such lots is paid to the Province.

Cities and Towns Act.—By c. 33 a city or town may bid upon and acquire at any forced sale any real estate mortgaged in its favour under

the Workmen's Dwelling Act, or under any law authorizing it to make a loan to those who have suffered disaster. The bid must not, however, exceed the municipality's claim in capital, interest and costs, together with a sufficient sum to meet any privileged debt having prior or equal rank to that of such claim. It may also acquire by private sale, subject to the same restrictions, any real estate mortgaged in its favour under the Workmen's Dwelling Act, such sale, however, requiring, to be perfect, the approval of the Minister of Municipal Affairs. The property so acquired by municipality must be sold by auction within the year following the purchase; but the time may be extended by the above named Minister.

Tax on Non-residents.—By c. 34, a municipality whose population is five thousand or more, cannot levy any tax, duty or assessment upon any person working within its territory, for the sole reason that such person does not reside or is not domiciled thereon. All by-laws, resolutions or ordinances to that effect ceased to exist on April 1, 1927, save that the sums due and exigible at such date may be collected as if the repeal had not taken place.

Public Buildings.—By c. 35 every city or town may make by-laws respecting the construction, furnishing and putting into use of any public building situate within its limits, the words "public building" having the same meaning as in the Public Building Safety Act (R.S., c. 176). Such by-laws must not conflict with any existing regulations; they are submitted to the Cabinet for approval and come into force fifteen days after their publication in the *Quebec Official Gazette.*

Education.—By c. 37, the mayor may visit the schools of the municipality in which he resides. By c. 39 the Provincial Secretary may grant such financial assistance as he may deem necessary to any rural school corporation which erects a school in accordance with the regulations established by the Superintendent of Education and the Director of the Provincial Bureau of Health, subject to the condition that the school be built upon land owned by the corporation, the amount of the assistance varying from $1,200 to two-thirds of the cost of the construction; but it shall not be applied to the purchase or enlargement of the site, nor to the purchase of school equipment.

McGill University.—C. 43 authorizes it to grant emphyteutic leases of its real estate for any term of years not exceeding ninety-nine nor less than nine years.

Pensions to Widows of Police and District Magistrates.—By c. 49, the widows of such magistrates, or of judges of the sessions of the peace, who, at the time of their death, were pensioned, or within the conditions required to obtain a pension, are entitled to a yearly pension of $1,500 during widowhood.

Assistant Recorders.—By c. 50 the Cabinet may appoint, for the cities of Quebec and Montreal, one or more assistant-recorders selected from members of the Bar of at least five years' standing, whose salary is fixed by the Cabinet and paid by the municipality for which they are appointed.

Adoption.—By c. 57 the consent of the adopted child's guardian, or, in the case of an illegitimate child, of his parents, shall not be necessary if they have, during the two years immediately preceding the presentation of the petition for adoption, voluntarily omitted or neglected to provide suitably for the needs and maintenance of the child, or left the care of the child to a charitable institution, as a pauper, for over six months in

the case of a legitimate child, or for over two years in the case of an illegitimate child. The judge may, in the case of an illegitimate child, shorten the period of probation to six months if the child has been well treated by the adopter during that period. In addition to the persons mentioned in c. 196 of the Revised Statutes, s. 19, the charitable institution in which an illegitimate child was before his adoption, may petition for the annulment thereof.

Study of Anatomy.—By c. 59 bodies unclaimed which have been taken to a cemetery but not yet buried may be delivered, through the inspector or sub-inspector of anatomy, to an institution mentioned in the Study of Anatomy Act, to be used for the study of anatomy and surgery.

Medical Act.—By c. 60 every person who, having followed a regular and complete medical course in a university outside the Province, has obtained a degree of Doctor of Medicine, and who furnishes proof that he has passed a preliminary examination equivalent at least to that required in the Province, may receive a licence on payment of the fees, and provided he fulfils the conditions required by the Provincial Medical Board.

Quebec Companies Act.—By c. 62, where a compromise or arrangement is proposed between a company and its shareholders or any class of them, affecting the rights of shareholders or any class of them, a judge of the Superior Court of the districts in which the company has its head office may, on application of the company or of any shareholder, order a meeting of the shareholders of the company or of any class of shareholders, as the case may be, to be summoned in such manner as the judge directs. If the compromise or arrangement is approved, as proposed or as modified by three-fourths of the shareholders represented at the meeting, it may be sanctioned by the judge and it is then confirmed by supplementary letters patent, notice of which is given in the *Quebec Official Gazette* by the Provincial Secretary.

Partnership Declarations.—By c. 63 failure to register a commercial partnership, or a firm name, makes one liable to a fine of not more than $100 recoverable at the suit of the Attorney-General or of a legally constituted board of trade. A married woman, separate as to property and carrying on trade, is, under the same circumstances, liable to a fine of $200, recoverable in the same way.

Workmen's Compensation Act.—By c. 67, the date of the coming into force of the Workmen's Compensation Act of 1926, is fixed as April 1, 1928.

Liability of Architects and Builders.—By c. 68 the period after which architects and contractors are discharged from the warranty of the work they have done or directed is reduced from ten to five years.

Evidence of Non-resident Parties.—By c. 71, when a party to a law suit resides outside of the Province, he may obtain a commission to receive his evidence.

10. SASKATCHEWAN.

[*Contributed by* R. W. Shannon, Esq., K.C.]

Acts passed: Public—74; Private—12.

Civil Service Superannuation.—Saskatchewan has provided for the superannuation of its civil servants. The age of retirement is fixed at sixty-five for males and sixty for females, but the Government may

continue to employ a person eligible for superannuation for a further term not exceeding five years, if considered advisable.

Every civil servant is to contribute 4 per cent. of his salary to the consolidated fund of the Province. If he retires before serving for ten years continuously, his contributions are returned to him with interest; but if at the time of retirement he has served for ten years he becomes entitled to an annual allowance for life based upon the average amount of his salary during the last three years of his employment. This amount is divided by fifty and multiplied by the number of years or fractions of a year of the employment, but the amount of the allowance is limited to $2,000.

Provision is made for payments to the widows and children of superannuates. A widow is to receive for life one-half the amount which her deceased husband was receiving at the date of death, and each child under the age of eighteen is to get 10 per cent. of that amount. The total payable to all children is not, however, to exceed one-quarter the allowance of their deceased father.

The Act (No. 2) is to be administered by a board of three to be nominated by the Lieutenant-Governor in Council.

Bona Vacantia.—The Privy Council having decided that *bona vacantia* in Alberta, which is in the same case with Saskatchewan, fall to the Crown in the right of the Province, a new Act (No. 8) was passed similar to the Dominion Escheats Act, providing for taking and recovering possession of such property and making grants thereof to persons having legal and moral claims.

Evidence.—No. 10 amends the Evidence Act by incorporating therein the substance of the Banker's Books Evidence Act, 1879 (Imp.).

Reciprocal Enforcement of Judgments.—The Judgments Extension Act (No. 12) provides for the reciprocal enforcement of judgments as between Saskatchewan and any part of His Majesty's Dominions outside Canada to which the Act extends. It is founded upon the second part of the Administration of Justice Act of 1922 (Imp.).

Under the Saskatchewan Act, where a judgment has been obtained in a superior Court in any part of His Majesty's Dominions outside Canada to which the Act extends the judgment creditor may apply to the Court of King's Bench, at any time within twelve months after the date of the judgment or such longer period as may be allowed by the Court, to have the judgment registered, and if in all the circumstances of the case it is considered just and convenient that the judgment should be enforced in Saskatchewan, it may be ordered to be registered accordingly.

Provision is made for excepting from the operation of the Act six classes of cases where obviously it would be improper to permit registration, such as, for example, those in which the original Court acted without jurisdiction. The effect of registration is to give the judgment the same force and effect as if it were a judgment of the registering Court.

The Act resembles in substance the Uniform Reciprocal Enforcement of Judgments Act prepared by the Uniformity Commissioners and passed by most of the Provinces but which is confined in its scope to the Provinces of Canada.

Registration of Names of Homes.—Under No. 15, another new measure, any person may register the name of his home with the Deputy Minister

of Agriculture, who may issue a certificate that the applicant has been granted the exclusive use of the name chosen. A copy of this certificate is published in the *Saskatchewan Gazette*. The expression "home" is defined as meaning a lot, farm, ranch or other land, except land within a summer resort, upon which is situated a dwelling-house.

Companies.—An amendment (No. 18) to the Companies Act provides that an executor, administrator, guardian, trustee, committee of a lunatic, and also an officer or employee of a corporation which acts in any of those capacities who is duly appointed a proxy for the corporation, shall represent the shares in his hands at all meetings of the company and may vote accordingly as a shareholder. Under another new provision any person holding shares, not in arrear in respect of any call, in trust as executor, administrator, guardian, trustee or committee of a testator, intestate, infant, cestui que trust or lunatic, may be elected a director, and when a corporation holds such shares in trust as executor, etc., any officer or officers of the corporation may be elected a director or directors.

Insurance.—By No. 22 certain new provisions have been introduced into the Saskatchewan Insurance Act, most of which have been adopted by the other Provinces in an effort to obtain uniformity in insurance legislation. One of these deals with deposits. Whereas companies have hitherto been required to make a deposit in each Province in which they operate, for the protection of policy holders residing therein, hereafter a single deposit may be made in the Province where the head office is situated to be held in trust and administered for the benefit of the insured in all the Provinces which pass similar legislation.

An important section permits of a policy containing a limitation of liability clause to the effect that the insurer shall only be liable for a specified proportion of a loss, or that it shall not be liable for more than a specified percentage of the value of the property insured or shall only be liable for a rateable proportion of a specified percentage.

The provisions of the Act with respect to automobile insurance have been altered in several respects. Hereafter policies can only be issued for one year instead of, as formerly, for three. Contracts for this type of insurance are not to be made without a written application, signed by the applicant or his duly authorized agent, but an automobile finance or acceptance corporation or an automobile dealer is not to be allowed to act as an agent for the purpose of signing such application.

To save unnecessary trouble it is provided that where it is proposed to change the subject-matter of the insurance by substitution or addition of one or more automobiles, the contract may be amended by an endorsement to that effect on the existing policy, thus avoiding the necessity of issuing a new policy.

Live Stock Breeding.—An Act for the Improvement of Live Stock Breeding (No. 43) empowers the Lieutenant-Governor in Council to constitute any rural municipality as a pure bred sire area, and prohibits the owning, keeping, travelling, standing or using for breeding purposes or the pasturing of any stallion, bull, ram or boar within a pure bred sire area, unless it has been recorded in name of the owner in the Canadian National Live Stock Records and is licensed under the Act.

Agisters.—The benefits of the Livery Stable Keepers Act have been extended by No. 48 to agisters who have now a lien on the animal for the value or price of any food, care, attendance or accommodation

furnished. The lien also covers the vehicle, harness, furnishings or other gear appertaining to the animal and the personal effects of the owner.

Sheep Protection.—References to sheep have been deleted from the Animals' Protection Act and for the better protection of sheep from dogs a new Act (No. 53) has been passed, which also provides for the licensing of dogs and the use of dog tags and collars.

Injured Animals. — No. 54, another new Act, empowers a police constable or inspector of a society for the prevention of cruelty to animals, where he finds an animal so severely injured that it would, in his opinion, be cruel to allow it to live, to kill the animal or cause it to be killed in such a manner as to inflict as little pain as possible. This authority may also be exercised in cases where a horse is left abandoned or left to die in any public place.

Child Welfare.—A mass of legislation dealing with this subject has been revised and consolidated by No. 60.

Horse Racing.—No. 61 is new legislation, the main provision of which is that no person shall hold or conduct any race-meeting or horse-racing, or aid in, enter in, judge, start, race in, drive in, or ride in any horse-race within Saskatchewan; but these prohibitions do not apply to (*a*) certain race-meetings held under the auspices of agricultural societies or exhibition associations; (*b*) horse-racing by associations, turf clubs or groups of persons for a period not exceeding three days in any one calendar month; (*c*) race meetings at which no opportunity is afforded either directly or indirectly by the management thereof or otherwise for the placing of bets or wagers through the agency of a *pari-mutuel* system or otherwise.

Assignment of Book Debts.—The assignment of book debts, which has hitherto been governed by certain provisions of the Chattel Mortgage Act, has now been dealt with in a separate statute (No. 63). The usual requirements are prescribed. The assignment must be in writing accompanied by an affidavit of *bona fides* and registered.

Sales on Consignment.—The Sales on Consignment Act (No. 64) is another new measure. Every commission merchant is to keep full and accurate records and to furnish to his principal, the producer, full and true information concerning the state in which products arrive and concerning any which appear to be in a damaged or deteriorated condition, the quantities sold and prices obtained, the quantities and condition of products on hand and undisposed of, all loans, rebates, allowances, expenses, disbursements and deductions, the rates and amounts of commission charged and retained and the amounts due and remitted to the principal.

No fee, commission, remuneration or profit, and no loss, rebate, allowance, expense, disbursement or other deduction not disclosed in writing to the principal shall be allowed to or retained by a mercantile agent. All moneys realized from the sale or other disposition of the products of his principal in the hands of a mercantile agent are declared to be trust funds.

In substance the sections of the Act dealing with these matters are merely declaratory of the law governing the relation of principal and agent, penalties being added for breach of duty which will make it easier for the grower to obtain redress.

To put an end to the activities of the jobber-broker, s. 25 declares that, so far as the legislative authority of the Province extends, no

corporation authorized to carry on the business of mercantile agent, the major or substantial portion of whose shares is held (*a*) by or on behalf of any person or persons, shareholders in any corporation carrying on within or without the Province a wholesale or jobbing business in products; (*b*) by or on behalf of any person, partnership or corporation or group of corporations carrying on within or without the Province a wholesale or jobbing business in products; (*c*) by or on behalf of any partnership or corporation which is part of or a member of or belongs to a group or organization of partnerships or corporations or both, carrying on within or without the Province a wholesale or jobbing business in products, shall carry on the business of mercantile agent.

Moreover, it is provided that no mercantile agent shall sell, consign or otherwise dispose of the products of his principal to (*a*) any partnership or corporation which is substantially owned, operated or controlled by the same person or group or class of persons or organizations as substantially owns, operates or controls the mercantile agent; or (*b*) any partnership or corporation which is part of, or a member of, or belongs to, any group or organization of partnerships or corporations or both, to which a mercantile agent belongs or of which a mercantile agent is a member or part.

The Act applies to transactions in fruit and vegetables and to all agricultural products or farm products except milk, cream and grain and except live stock when sold in a public stock yard in Saskatchewan. It is to be brought into force by proclamation.

Hospital Treatment. — No. 67 places a new section in the Union Hospital Act, under which the council of a rural municipality and a hospital board may enter into an agreement for the hospital care and treatment, at the expense of the municipality, of such classes of persons as may be deemed advisable.

Consolidations.—At the last session the usual practice of revising and consolidating some of the most important Acts was continued. Among others the Town Act (c. 24), a voluminous measure, underwent this process.

11. NEWFOUNDLAND.

[*Contributed by the* MINISTER OF JUSTICE.]

Tourists' Publicity.—C. 1, an Act to incorporate the Newfoundland Tourist and Publicity Commission and for obtaining Statistics of Tourist Traffic, and for other purposes, incorporates a Commission of not less than nine nor more than fifteen persons to promote the development of a tourist traffic to Newfoundland, and to take measures to extend more widely a knowledge of the Colony's attractions and natural resources. The Act incorporates a body of persons who have been acting voluntarily during the past two years in an endeavour to promote tourist traffic for the general good. The principal business of the Commission is advertising the Colony's attractions and resources abroad, but it will also give attention to all local matters which are of interest or importance to tourists. It is provided with a revenue by the imposition of a tax upon all outward first-class steamship tickets at the following rates:

Where a fare does not exceed $10 . . .	$1
Where a fare is between $10 and $100 . .	2
Where a fare exceeds $100	3

This tax is collected by means of adhesive stamps affixed to the ticket. The Commission will report annually to the Governor in Council, and will collect and furnish statistics of tourist traffic. Steamship companies carrying passengers are primarily liable for the tax, but have power to add it to the cost of the ticket, any contract to the contrary notwithstanding. Penalties are provided upon any steamship company carrying any passenger without having affixed the stamp to his ticket, failing to make returns of passengers to the Commission, or wilfully furnishing any false information to the Commission.

Paper.—C. 4, an Act for the confirmation of an agreement between the Government and International Paper Company of Newfoundland, Limited, confirms an Agreement made between the Governor in Council and International Paper Company of Newfoundland, Limited. The Agreement arises out of the fact that the Newfoundland Products Corporation, Limited, operating under the Act 6 Geo. V (1915), c. 4, and subsequently renamed the Newfoundland Power and Paper Company, Limited, and granted certain further privileges by the Act 14, Geo. V (1923), c. 1, has found itself in difficulties and proposes to sell its property and undertaking to International Paper Company of Newfoundland, Limited, a Company formed or promoted by International Paper Company, Inc., of New York, U.S.A. The Government of Newfoundland had under the Act 14 Geo. V (1923), c. 1, guaranteed principal and interest upon " B " Debentures of the Newfoundland Power and Paper Company, Limited, to the amount of £2,000,000 ; and there was a similar guarantee by the Commissioners of His Majesty's Treasury in England of " A " Debentures of the same Company to a like amount. The purchasers of the undertaking of Newfoundland Power and Paper Company, Limited, now ask for modifications in the contracts heretofore existing between the Government and that Company, more especially in respect to the term and conditions of the debentures, the export of a certain amount of unmanufactured pulp wood, and the concessions in respect of import duties and other taxes.

The coming into effect of the Agreement is conditional upon (*a*) the acquisition by International Paper Company of Newfoundland, Limited, of all or substantially all the property and assets of Newfoundland Power and Paper Company, Limited (which are to be freed of a mortgage for $10,000,000 to the Bank of England upon a certain part of the property which was acquired subject to such charge from a subsidiary company known as " Newfoundland Power and Paper Utilities Corporation, Limited ") ; and (*b*) the payment by International Paper Company of Newfoundland, Limited, to the Government of any and all amounts which up to the time of such acquisition the Government shall have paid under its liability as Guarantor of the " B " Debentures.

Throughout the Act and Agreement Newfoundland Power and Paper Company, Limited, is referred to as " the Old Company," and International Paper Company of Newfoundland, Limited, is referred to as " the Company."

Under the terms of the Agreement the Company is entitled to all the rights, powers, privileges, franchises and exemptions vested in, and bound by all the obligations imposed upon, the Old Company, except as modified by the present Agreement.

First, it is declared that the Old Company has complied with the requirements of Clause 18 of the Agreement of 1915 (which required it to

expend $5,000,000 within the Island of Newfoundland within five years from April 16, 1915, which period was extended by c. 3 of 1917, c. 12 of 1919 and c. 1 of 1923).

The stock, bonds and securities of the Company and dealings in the same are exempt from taxation for a period of fifty years, except in so far as dividends or interest therefrom shall go to a taxpayer in Newfoundland (not being the International Paper Company of New York, its successor or subsidiary).

The royalty of $1 per ton of 2,000 pounds on newsprint paper exported by the Company from Newfoundland and of 25 per cent. for each annual horse-power developed and used provided for by the Act of 1923 is waived and in place of it the Company agrees to pay to the Government in respect of its income a maximum tax of $75,000 per year up to 1931 and of $150,000 per year from 1932 to 1973.

S. 4 of the Act of 1923, which granted exemption from import duty upon construction material, machinery and the like for thirty years, is modified, the matters to which the exemption applies being elaborated but the period reduced to twenty years.

S. 6 of the Act of 1923, which granted an exemption from duty for fifty years upon materials not reasonably procurable in Newfoundland for the manufacture of the products of the Company's and/or its subsidiary companies' electro-chemical, electro-metallurgical and other electric industries not concerned with pulp and paper making, is modified by reducing the period from fifty years to twenty years.

It is provided that on machinery, etc., required for renewals, replacements and repairs in the Company's plants and works it shall pay the general import duties, provided that for forty years these shall not exceed 25 per cent. of the value of the article.

The Company is not to have any exemption from import duties and taxes of general application upon the following: (1) Food, clothing, dry goods and hand-tools; (2) moveable articles of household, office and camp furniture and equipment; (3) articles intended for the private ownership of individuals; (4) lumber and certain manufactures of wood, including ships, boats and barges made of wood, if the same can be had in Newfoundland to meet the Company's requirements; (5) bricks, nails and paints obtainable in Newfoundland.

On things not specially provided for required by the Company in its pulp and paper business or its electrical power business the Company shall pay import duties and taxes of general application, provided that for twenty years these shall not be increased as against the Company, and that for a second period of twenty years they shall not as against the Company exceed those now payable, if any, plus 10 per cent. *ad valorem*. Special provisions are made with regard to crude petroleum and coal. Containers and wrappings are subject to the same provisions as the goods they contain.

It is provided that whenever the Company shall have imported anything free of duty or subject to limited duties and shall transfer the same to any person or corporation not entitled to the benefit of the Customs clause in the Agreement, it shall be its duty to notify the Customs Department forthwith and to pay the taxes and duties or the amount necessary to make up the full taxes and duties as the case may be. The Company is deemed to have guaranteed payment of duty to the Government in all cases above provided for.

All the Clauses from that referring to freedom of taxation upon stock, bonds, mortgages and securities down to this point extend to the Company's subsidiary companies engaged in the business of generating or transmitting electricity or of manufacturing pulp or paper or carrying on electrical, electro-chemical or electro-metallurgical industries.

The Agreement then proceeds—Clause 2 (m)—to modify the conditions with regard to the guarantee of the "B" Debentures. The Company is to keep its property of an insurable nature properly insured; to keep liquid assets of at least $500,000 at all times while the Colony remains liable under the guarantee; to maintain the "A" and "B" Debentures; as long as the "B" Debentures are outstanding not to pay any dividends on common share capital until the Company has created out of the profits a special debenture reserve of $2,500,000, and not to pay any such dividends while at any time such reserve has fallen below the above figure; to permit the Government to nominate two Directors of the Company as long as the Government remains under any obligation in respect of the guarantee; not to create any charge prior to the "B" Debentures with the exception of the First Mortgage Debenture Stock thereinafter provided for; and, to give the Government and the Government Directors all information they may require and full facilities for inspection.

Provision is made for the arbitration of disputes between the Company and the Government or between the Company and third parties in certain cases.

Under the previous Acts the Old Company had a right to the grant of certain water powers on the Hamilton River or North-West River in Labrador upon the expenditure of certain money in Labrador. This right is now surrendered.

It is provided that if the Company shall obtain the consent of the "A" and "B" Debenture holders, the date of maturity of the "A" and "B" Debentures shall be extended to July 15, 1973, and a Sinking Fund shall be established beginning in the case of the "A" Debentures on July 15, 1933, and in the case of the "B" Debentures on July 15, 1928, sufficient to retire all these debentures at 105 per cent. on July 15, 1973.

The Financial Agreement appended to the Act of 1923 is modified by Clause 4 (5), as is also the Agreement of October 31, 1922, between the Old Company, Sir W. G. Armstrong Whitworth and Company, Limited, and the Commissioners of His Majesty's Treasury in England.

The Company is empowered to create and issue First Mortgage Bonds for £4,000,000 secured on all the property of the Company in priority to the "A" and "B" Debentures. Provision is made whereby most of the proceeds of these Bonds must be applied in the acquisition of fixed capital, which shall be brought under the mortgages. A limited amount, however, is permitted to be used as working capital, provided additional paper machines are installed in the mills beyond those now working.

Provision is made for modifying the terms or status of the "A" and "B" Debentures if necessary for obtaining the consent of the trustees for the "A" and "B" Debentures and of the necessary percentage of holders of said Debentures, provided, however, that the Governor in Council must have assented, and that the date of the maturity of the Bonds may not be extended, that the sinking fund payments may

not be reduced, nor the amount (£4,000,000) of First Mortgage Bonds increased.

Clause 5 gives some powers of controlling the flow of water in streams, lakes and watercourses, which were not contained expressly in the former agreements.

Clause 6 provides certain rights of export of unmanufactured pulpwood. This is contrary to the law and policy of the Colony except where, as here, specifically permitted and limited. The Company is to be permitted for fifty years to export half a cord of pulpwood for each ton of paper manufactured by the Company in the Corner Brook Mills in excess of 120,000 tons of paper per year (this is the estimated present capacity of the mill at Corner Brook, consequently the right of export can only be gained by the installation of additional machines). For the first twenty years of export the Company is to pay an export duty of $1 per cord, and for the succeeding years if the market price of newsprint in the United States exceeds $65 per ton the Company will pay an additional five cents per cord for each dollar of such excess. Limitations are provided as to the areas from which such wood may be exported. If the Company's mill has not operated at 80 per cent. of capacity during the year the right to export is cancelled for the succeeding year.

It is provided that, as far as reasonably possible, Newfoundland workmen shall be employed and Newfoundland coal shall be used. (The latter provision is intended as a protection to the coal-fields which it is hoped may be developed in the District of St. George's, but there is no actual production of coal in Newfoundland at present.)

The Company is empowered to carry on any business in which hydraulic or electric power can be used to advantage, and to generate, transmit and sell hydraulic or electric power provided that in so far as this is sold to the public the Company shall be subject to any general public utility law, and provided that such law shall not limit the Company's profits on the sale of power to less than 10 per cent. It is given the right to lay transmission lines, pipes, etc., across public lands subject to the consent of the Government. It is also given power to create a water system in its mills and any town which may arise in connexion with them. It is enacted that except where expressly provided the Company may export free of duty or restrictions the products of its mills and works.

In consideration of the establishment of its enterprise as a whole, the Company is deemed to have complied with the provisions of the Crown Lands Act requiring the establishing of mills, etc., upon individual timber limits held by it, and the timber licences held by it which have run for varying periods are extended to the uniform term of ninety-nine years from the date of the Agreement.

In the Agreement wherever the context admits the expression "the Company" includes both the International Paper Company of Newfoundland, Limited, and the assigns of all or substantially all its property and assets.

Pulp and Paper Industry.—C. 5 amends the Act 15 Geo. V (1924), c. 2, entitled "An Act for the confirmation of an Agreement between the Government and the Gander Valley Power and Paper Company, Limited," and is concerned with encouraging the establishment of a pulp and paper industry in the region of the Gander Valley on the north-east coast of the Colony. It confirms and modifies an Agreement entered into between

the Government and the Gander Valley Power and Paper Company, Limited, which was made on August 16, 1924, and confirmed by the Act 15 Geo. V (1924), c. 2.

This modified Agreement is negotiated by the International Paper Company of America, Inc., the same Company which has negotiated the Agreement referred to under the head of c. 4 above.

This Act and the Agreement annexed thereto are not to come into effect unless and until Proclamation shall be made by the Governor in Council to that effect. And, unless and until such Proclamation is made the terms or periods granted by Clauses 14 and 15 of the above-mentioned Agreement of 1924 are renewed so as to begin running again from September 15, 1927.

If the Government shall have built the railway hereinafter referred to, the Company agrees in the year 1929 to begin work upon the construction of a paper-mill on the Gander River or Bay of a designed capacity of not less than two hundred tons of paper per day, or of plants, works, facilities, etc., to be used in connexion therewith. The Company agrees to spend within Newfoundland not less than $500,000 in 1929, $500,000 in 1930, $500,000 in 1931 and $1,000,000 in 1932, and to complete the mill and put it into operation by the end of 1933 at a total cost including accessories of not less than $6,000,000. A possible delay of two years is provided for under a penalty upon the Company of $50,000 for each year of delay, and there is a saving clause for delay occasioned by causes beyond the control of the Company.

The Company further agrees when the railway has been built to pay half the yearly interest on the capital cost not in excess of $750,000 until such time as the mill has been completed; and, if there is failure to complete the mill the Company is then to be liable for the full yearly interest and sinking fund requirements on the said capital cost.

When the mill has been completed and put into operation then the ninety-nine-year timber licences held by the Company are to be deemed to be renewed for ninety-nine years from the date of the Agreement, and the construction of the paper-mill, etc., therein provided for is to be deemed performance of the conditions (as to erections of mills, etc.) of the individual timber licences and the leases of water powers held by the Company.

When the Government shall have constructed the railway, the Company shall if so requested by the Government cut from twenty-five to thirty thousand cords of pulpwood in each of the logging seasons 1929–30, 1930–31, 1931–2 and 1932–3, and the pulpwood so cut if hand-peeled, rossed, drumbarked or sap-peeled may be exported by the Company on payment of $1 per cord export duty. (The purpose of this clause is to enable the Government to create employment if necessary for the people in the region of the proposed mill until such time as the mill is in operation.)

The Company is given the right to regulate the flow of water in streams and water-courses in the area which it is to develop.

The period of six years provided in the Agreement of 1924 within which the Government undertakes to grant unoccupied Crown Lands up to ten thousand acres for purposes connected with the proposed industry is extended to six years from the date of this Agreement.

The Company is given power to carry on any business in which hydraulic or electric power can be used to advantage, and to generate,

transmit and sell such power, provided that in the case of sale to the public the Company shall be subject to any general public utility law, provided further that such law shall not restrict the Company's profit on such selling of power to less than 10 per cent.

The Company is given the usual rights for the construction of transmission lines, pipe lines and the like. It is also given power to create a water system in its mills and any town which may arise in connexion with them.

It is enacted that except where expressly provided the Company may export free of duty or restrictions the products of its mills and works.

Under Clause 5 the Company is given the right to export pulpwood at a rate not exceeding one-half cord for each ton of paper manufactured by the Company on Gander River or Bay. This right is to continue for fifty years. The Company may not export more than two years' quota in any one year; at least nine-tenths of the wood must be barked or peeled; and, if in any year the Company's mill has not been in operation at an average of 80 per cent. of capacity, the right of export for the succeeding year is forfeited. The export duty upon such wood is to be $1 per cord for twenty years, and after that the same together with five cents for each dollar by which the market price of newsprint in the United States during the last quarter of the preceding year exceeds $65 per ton f.o.b. mill. Restrictions are made as to the area in which this wood may be cut, designed to ensure that it shall be cut in regions where it is considered impracticable to establish a paper-mill.

The Government undertakes to construct before December 31, 1928, and to operate sufficiently for the reasonable requirements of the Company, a single track branch railway connecting the proposed site of the mill with the main line of the Newfoundland Railway, an estimated distance of about thirty miles.

The Company is to establish, at or near its mill, residences and accommodation for its personnel according to a town plan laid out in a modern manner.

S. 3 of the Act of 1924 and Clause 8 of the Agreement of 1924 are repealed, and a clause substituted exempting the securities of the Company from taxation for fifty years.

Materials, machinery, etc., for the Company's mills, factories, towns, etc., are to be admitted into the Colony free of duty and tax for twenty years.

The right to import materials not procurable in Newfoundland for the purpose of the manufacture of the products of the Company's and its subsidiary companies' electro-chemical, electro-metallurgical and other electric industries not concerned with pulp and paper making, which was given for fifty years by the Act of 1924, is now limited to twenty years.

On machinery and material for renewals and repairs in the Company's works it shall pay the usual import duties, provided these are not to exceed 25 per cent. *ad valorem* during the first forty years of operation.

The Company is not to have any exemption from import duties and taxes of general application upon the following: (1) food, clothing, dry goods and hand tools; (2) household, office and camp furniture and equipment; (3) articles intended for the private ownership of individuals; (4) lumber and certain manufactures of wood, including

ships, boats and barges made of wood, if the same can be had in Newfoundland to meet the Company's requirements; (5) bricks, nails and paints obtainable in Newfoundland.

On things not specially provided for required by the Company in its pulp and paper business or its electrical power business the Company shall pay import duties and taxes of general application, provided that for twenty years these shall not be increased as against the Company, and that for a second period of twenty years they shall not as against the Company exceed those now payable, if any, plus 10 per cent. *ad valorem*. Special provisions are made with regard to crude petroleum and coal. Containers and wrappings are subject to the same provisions as the goods they contain.

It is provided that whenever the Company shall have imported anything free of duty or subject to limited duties and shall transfer the same to any person or corporation not entitled to the benefit of the Customs clause in the Agreement, it shall be its duty to notify the Customs Department forthwith and to pay the taxes and duties or the amount necessary to make up the full taxes and duties as the case may be. The Company is deemed to have guaranteed payment of duty to the Government in all cases above provided for.

The expression "the Company" in the clause relating to taxation includes its subsidiaries.

Provision is made for the arbitration of disputes between the Company and the Government or between the Company and third parties in certain cases.

This Agreement is to apply to the Gander Valley Power and Paper Company, Limited, and the assigns of all or substantially all its property and assets.

Provisions are incorporated in Clause 13 whereby certain protection may be given by agreement to the vendors to the Company of timber lands or timber cutting rights.

It is contemplated that the Company may acquire the Crown timber licences comprised in the area referred to in the Act 17 Geo. V (1926), c. 4, as the "Sop's Arm Portion," and the completion and putting into operation of the paper-mill on Gander River or Bay is to be regarded as a performance of the conditions set out in the said Act relating to the erection of mills. Upon wood exported from the said area this Company is to pay $1 per cord export duty instead of the 50 c. per cord provided under the Act 17 Geo. V (1926), c. 4, as amended by c. 5 of the same year.

Lead-zinc Ore.—C. 6 is an Act respecting an Agreement between the Government of Newfoundland and the Anglo-Newfoundland Development Company, Limited. The Anglo-Newfoundland Development Company, Limited, has found and is developing an important mine of lead-zinc ore in the neighbourhood of Red Indian Lake. In order to encourage this industry the Government undertakes for twenty years to admit into the Colony free of duty and taxes machinery and materials for the Company's mine, mills, town, power-development and prospecting operations and also for railways and other transportation facilities; and also bags and containers for concentrates for ten years from the first importation thereof.

Nothing in the Act, however, is to apply to (1) fuel, hand-tools, food or clothing; (2) furniture for staff houses or hotels; (3) articles intended by the importer for the personal and private ownership of

individuals; (4) lumber, various manufactures of timber, including boats and barges reasonably obtainable in Newfoundland; and (5) bricks, nails, paints and stoves other than furnaces, reasonably obtainable in Newfoundland.

The Company is responsible to the Government whenever anything imported in pursuance of these privileges free of duty passes to anyone not entitled to avail themselves of such privileges, and in such case must notify the Customs Department and must pay the duty if the person primarily liable fails to pay.

Constitutional.—C. 8 is an Act to amend c. 4 of the Consolidated Statutes (Third Series), Entitled "Of Legislative Disabilities and the Vacation of Seats in the House of Assembly" and Acts in amendment thereof, and amends the law in relation to the going back of Ministers for re-election after acceptance of a salaried Ministry. It is provided that the acceptance of the office of Prime Minister, Minister of Justice, Colonial Secretary, Minister of Finance and Customs, Minister of Agriculture and Mines, Minister of Public Works, Minister of Marine and Fisheries, or Minister of Posts and Telegraphs in the first Administration formed after any General Election at the time of its first being sworn in shall not vacate such Minister's seat in the Assembly.

Patents.—C. 9 is an Act to amend and consolidate the laws of Newfoundland relating to Patents, and replaces and repeals as from the date of its passing (except as regards two sections hereinafter mentioned) all previous legislation on the same subject.

This Act provides that the Governor in Council may in his discretion direct Letters Patent to be issued in respect of any patentable matter not known or used before the applicant's invention, and which has not been in public use or on sale in Newfoundland previous to the application. Application is to be by petition. It is now required that the petition shall specify all grants of patents for the said invention or substantially the same invention which shall have been granted in any other country, together with their dates, and also certified copies of the earliest patent (with translation if necessary) and of the specifications upon which patents if any have been granted in Great Britain and in the United States of America. The description or specification and plans or drawings are required to be in duplicate. A model or sample must be furnished if required by the Governor in Council. The usual affidavits in proof must be made. The petition, specification and drawings must be signed by the inventor or applicant and identified by the signature of the official before whom the affidavit is made. A person not resident in Newfoundland must appoint an attorney for purposes connected with the application. Forms are provided in the Schedule.

One month's notice of intention to apply must be published in the official *Gazette* and in a daily newspaper in St. John's before application.

A new provision is made for the preliminary hearing of objections. An objection may be filed in the office of the Colonial Secretary, and objectors will be heard, together with the applicant, before the Minister of Justice or his Deputy, with or without assessors. At the conclusion of the hearing the Minister shall certify in writing to the Colonial Secretary whether in his opinion the Letters Patent ought to be granted or not, stating his reasons, and shall send a copy of his findings to all parties who appeared at the hearing. Any party may within one month petition the Supreme Court to review and if thought fit vary the finding

of the Minister. Nothing in this section, however, is to prejudice the right of any person to take or defend proceedings in the Supreme Court. The hearing of objections is merely a preliminary process.

Subject to the provisions of s. 1 (as to novelty of invention and non-user in Newfoundland) an applicant may obtain a patent in Newfoundland if the patent is applied for within one year from the date of the issue of the first foreign patent. The Newfoundland patent is not continued in force after the expiration of the first foreign patent, nor will a patent be granted after the expiration of the first foreign patent. The term of the patent in Newfoundland shall not exceed fourteen years, subject however as hereinafter provided.

A patentee may after advertising for six months in the Newfoundland *Gazette* and in one daily newspaper in St. John's of his intention so to do, petition the supreme Court for an extension of his term. The petition must be presented at least six months before expiration. After hearing the applicant and objectors and the Minister of Justice the Court may, having regard to the value of the invention to the public and to the profits made by the patentee and the circumstances generally, order an extension for seven or in exceptional cases fourteen years, or a new patent for such term as may be specified in the order and containing such restrictions, conditions and provisions as the Court may think fit. The operation of this section is postponed until January 1, 1929.

A patent may be had for an improvement upon an existing patented invention. Patents may be granted to assignees.

An applicant who has made his application too broad may disclaim. In case it is necessary to amend a specification the Governor in Council may upon petition cause a new patent to be issued.

If any invention patented shall not have been brought into operation in Newfoundland within two years it shall become void, but before the date of avoidance the patentee may, if he has been unable to put his invention into operation, petition the Supreme Court for postponement of the avoidance of his patent. One month's notice of this application must be given in the *Gazette* and a daily newspaper in St. John's. The operation of this section is postponed until January 1, 1928.

In case a patentee fails to supply the public with his patent upon reasonable terms and refuses to grant licences to others to do so, the Governor in Council may on petition and after hearing the parties make an order that a licence be granted and lay down the terms and conditions thereof, and if the owner of the patent refuses to comply with such order the patent shall be void.

Usual provisions are made for the avoidance of a patent by the Supreme Court where there is anything wilfully false or misleading in the application or papers.

Action may be taken for infringement, in which the plaintiff may obtain damages and/or an injunction and for and respecting inspection of accounts.

Copies of Letters Patent or of any paper or document connected therewith may be obtained from the office of the Colonial Secretary at usual fees.

There must be stamped or engraved on every patented article sold or offered for sale, or if this is impossible then upon the container, the word " patented," with the year in which the patent was granted.

Penalties are provided for sale of unstamped articles, counterfeiting

of patents, offering unpatented articles for sale as patented for the purpose of deceiving the public, etc.

Railways.—C. 10 amends s. 3 of c. 206 of the Consolidated Statutes, 1916, by adding a sub-section forbidding the construction of railways by any person without the consent of the Governor in Council, which consent may be given upon such conditions as are thought fit.

Lands and Rights in Labrador.—C. 7 is an Act to govern the granting of Lands and Rights in Labrador, and is passed in contemplation of the recent confirmation of Newfoundland's title to a large part of Labrador by the decision of His Majesty in Privy Council. It provides that no licence, lease, grant, right, title, concession, privilege or the like of any kind whatsoever affecting land, timber or water power in Labrador shall be given except by special Act of the Legislature. Small grants for purposes of occupation or agriculture are excepted, and the Crown Lands Acts apply as heretofore in relation to minerals.

Crown Royalties.—C. 12 provides that wherever under any Statute, contract, Crown grant, or the like, any royalty has been reserved to the Crown, such royalty shall be calculated upon the basis of ordinary commercial prices and conditions and the Governor in Council may at any time cause an arbitration to be held by three arbitrators to determine what is the true and fair royalty payable. Two arbitrators are appointed by the parties and the third by the Supreme Court. If the party liable fails to appoint after notice, the Supreme Court may appoint his arbitrator also. The arbitrators may disregard any contract, scheme, arrangement or device which in their opinion is designed or tends improperly or unnecessarily to reduce the amount of royalty payable to the Crown.

When the royalty arises out of land, mineral, timber or water power it shall attach to and run with the land, mineral, timber or water power and be payable by any owner or operator thereof.

Crown Lands, Mines and Minerals.—C. 13 amends c. 129 of the Consolidated Statutes, 1916, and prohibits any holder of a timber or pulp licence or of lands held in fee simple or under lease or demise from the Crown to take or carry away for exportation from such lands any unmanufactured timber. Heretofore the law was merely that the holder of a timber or pulp licence should not do this. Export from ungranted Crown Lands is forbidden under s. 42 of the existing Crown Lands Act.

Education.—C. 14 repeals the Education Act, 1916, and all Acts in amendment thereof, and constitutes a new code on the subject of education.

Part I reconstitutes the central administrative system for education. Instead of there being a Department of Education with a Minister and a Deputy Minister, there is now constituted a Bureau, comprising the Prime Minister, the Secretary for Education, the three Superintendents of Education, the Educational Secretary of the Salvation Army *ex officio* and six other persons proportionally representative of the several religious denominations to be appointed from time to time by the Governor in Council and to serve for three years. The Bureau has authority to delegate its powers to an Executive Committee not exceeding five in number. Members of the Bureau are to act without salary. The Prime Minister is to be President and the Secretary for Education the Deputy President. The Secretary for Education is to be appointed by the Governor in Council and will be the Secretary and the Executive Officer of the Bureau, and the Governor in Council may appoint such other

officers and servants as may from time to time be necessary. (The Secretary is paid as such, though not as a member of the Bureau.)

The Bureau of Education has the general control of the educational system of the Colony, including the Memorial University College and the School for Training Teachers. The Superintendents of Education (Church of England, Roman Catholic and United Church) and the officers appointed under s. 68 for the smaller religious denominations are to have the general supervision, direction and inspection of the schools of their respective denominations; to oversee the accounts of persons, boards or committees accountable for educational moneys; to collect educational statistics; and to report annually.

Part II deals with districts and boards for elementary education. For the purposes of each religious denomination the country is divided into a large number of small districts, the boundaries of which are set forth in Schedule A to the Act. In each such district the Governor in Council shall appoint, on the recommendation of the proper Superintendent, a Board of five or seven persons of the appropriate religious denomination, one of whom shall be the senior clergyman or other officer of that denomination in the district. In the case of the United Church, Presbyterian and Congregational denominations a united school board may be constituted if they so desire. Where there are High Schools, and in the district of St. John's, the Boards are to consist of nine persons. These local Boards of Education are to conduct elementary education within their districts and to expend the moneys provided for such purpose. It is provided, however, that not less than nine-tenths of the allocation to a Board from the grants of the Legislature for general educational purposes and for Superior or High Schools shall be expended in salaries to teachers.

The Boards may hold property, but no money shall be appropriated for the purchase of lands or buildings nor for the erection of school houses, unless the inhabitants of the locality requiring the same shall contribute at least an equal amount in money or in kind for the purpose. Such lands or buildings must be vested in the Board. Boards have power to borrow money subject to the approval of the proper Superintendent. They may also charge tuition fees not less than those set down in Schedule B. It is provided that a fatherless child shall be entitled to free education in any public school except where the person undertaking his support is able to pay school fees without embarrassment. A Board may remit fees or part thereof in the case of poverty.

A Board may not employ a teacher who has not a certificate or licence under this Act.

The Governor in Council may remove a Board and appoint a new Board in its place whenever he considers it expedient.

Regions in which for any reasons there are no Boards are to be administered by the appropriate Superintendent of Education.

Boards of Education of different denominations whose districts coincide geographically in whole or in part may by mutual consent conduct schools in common. The approval in writing of the Superintendents concerned is required. Boards so conducting joint schools may separate again on six months' notice.

Part III deals with colleges. There are established in St. John's for higher education for both sexes a Church of England College, a United Church College and a Presbyterian College, and two Roman Catholic

Colleges—one for males and the other for females. The Directors of the United Church College and the Presbyterian College may unite their institutions. (This has been done.) The Colleges have Boards of Directors appointed by the Governor in Council but nominated by the Church authorities of their respective denominations. These Boards are bodies corporate and have full control of their respective institutions. They receive Government grants and have to report annually. The colleges are inspected by the appropriate Superintendents.

Part IV constitutes a Council of Higher Education, consisting of thirty-three members. The Secretary for Education, the Superintendents and Assistants and Assistant Superintendents, the Educational Secretary of the Salvation Army, the President of the University College, the Principal of the Teachers' School and the Head Masters of Colleges mentioned in the preceding part are members *ex officio*, and the remaining members are appointed for three years. The Council is a body corporate. Its duties are to hold examinations, award diplomas, prizes and scholarships, and to prescribe the subjects of examinations. There is no compulsion on any person or school to submit to these examinations.

Part V deals with Scholarships. A junior scholarship of $500 is provided annually for competition among candidates under eighteen years of age sitting for the Junior Matriculation (Honours) Examination of the Council of Higher Education. There is also a senior scholarship of $1,000 for competition among candidates under twenty-one years of age taking the second year examination of the Memorial University College. Both scholarships are designed to assist the holder in prosecuting his studies—the junior at any British or Colonial Institution approved by the Council, the senior at any British or Colonial University approved by the Council. There are also three scholarships of $100 each to be competed for at junior examinations.

Part VI deals with training and classification of teachers. For each denomination the Governor in Council appoints a Board of Examiners to grant certificates of grade to teachers. Certificates are of five grades, styled University Grade, Associate Grade, First, Second and Third Grades. The highest of these grades requires at least a second year university training, which may be taken in the Memorial University College. All the grades require some professional training in teaching. A person not possessing a certificate of grade may be given a special licence to teach in a public school for a period not exceeding six months. Other provisions are made with regard to the training of teachers.

Part VII deals with the duties of teachers, which are set out in detail, and with their salaries and augmentation grants which are set out in the Schedule.

Part VIII deals with Supervising Inspectors. The Bureau may appoint these to a number not exceeding ten. Their duty is to act as travelling inspectors under their respective Superintendents.

Part IX deals with Superintendents, Assistant Superintendents and Inspectors. In case of the Church of England, Roman Catholic and United Church denominations a Superintendent and an Assistant Superintendent are appointed. In the case of smaller denominations a representative of the denomination is specially appointed to inspect the schools of that denomination. The travelling expenses of Inspection Officers are paid.

Part X deals with a Teachers' Pension Fund, which is constituted

partly of contributions from teachers and partly of an annual appropriation of funds by the Government.

Part XI deals with educational finance and the apportionment of the money granted by the Legislature, which is divided among the several denominations on a basis of population.

Part XII comprises miscellaneous provisions. No child is to be given any religious instructions objected to by the parent or guardian. Corporal punishment is restricted. Children under five years of age may be refused by a teacher, or in schools where the teaching staff is inadequate under six years, while children under seven years may be refused as regards afternoon sessions.

Part XIII comprises the schedules.

Whaling Industry.—C. 15 provides for the licensing of whaling establishments, the limitations of their numbers, and the allotment of areas within which they may operate.

No one is to engage in whaling or the manufacture of whale products without a licence from the Governor in Council issued on the recommendation of the Minister of Marine and Fisheries.

The site of a proposed factory has to be approved by the Minister in order that it may not be a nuisance to the public or interfere with other fisheries. The licence is to specify the site on which the factory may be erected and the limits of the part of the coast within which whaling steamers from that factory may take whales.

The whole of the carcass of every whale is to be manufactured unless permission is obtained from the Governor in Council to dispose of any parts thereof in some other way. Not more than six factories are to be licensed on the coast of Newfoundland—two on the east, two on the south and two on the west—nor more than two factories on the coast of Labrador; nor is any factory to operate more than two whaling steamers. Factories must be completed and ready to operate within one year from the issue of the licence, and must thereafter be continuously operated so far as the supply of whales will permit. Licences are assignable with the approval of the Minister. The fee for a licence is $1,000 on issue and thereafter $1,000 a year, to be paid on the 1st day of July. Noxious or deleterious matter must not be introduced into any public waters. The use of vessels equipped as floating factories in the territorial waters of the Colony or its Dependencies is not permitted; nor shall any such vessel make use of the ports of this Colony save in case of emergency; nor shall whales or whale products captured by or manufactured on board of such a vessel be landed in this Colony. Whales are not to be pursued within one nautical mile of a boat or vessel anchored or fishing, or within half a mile of any other boat or vessel. Whales may not be captured by any method whereby it depends on chance that a wounded whale can be traced and found. A harpoon attached to the whaling boat or vessel by a line must be used.

A whaling steamer finding, catching or fouling any fishing gear is to bring it into port and notify the Minister of Marine and Fisheries.

British subjects domiciled in the Colony may alone be employed in and about the manufacture of whale products.

Porpoises, or " potheads," so called, are not whales for the purposes of this Act.

Fishermen and others are at liberty to kill a whale casually met, and notwithstanding that they are not licensed may utilize a whale found dead.

12. BERMUDA.

[*Contributed by* Sir Reginald Gray, K.C., *Speaker of House of Assembly.*]

Acts passed—55.

Channels.—No. 4 consolidates and amends the law with respect to the protection and control of traffic in the ship channels in Bermuda waters.

Jails.—No. 10 consolidates and amends Acts of 1865, No. 3, and 1921, No. 6, relating to jails.

Militia.—No. 11 authorizes His Majesty to raise and maintain a Militia consisting of such number of men as may from time to time be provided by the Imperial Government.

Police.—No. 22 deals with the regular Police Force, consisting of 11 officers and not more than 36 constables, appointed by the Governor, and repeals the Acts of 1920, No. 14 and 1923, No. 26.

Immigration.—No. 23 repeals seven previous Acts and consolidates and amends the law on this subject.

Bermuda Scholarships.—No. 28 provides for three scholarships each of the annual value of £200, tenable for a term not exceeding three years at some institution abroad selected by the father, or if he be dead by the mother, or if both of them be dead by the guardian of the successful competitor and approved by the Governor. Bermuda has three Rhodes scholarships, and the local scholarships are to enable the successful candidates to get some education out of Bermuda before going to Oxford.

Jury.—No. 33 consolidates and amends three Acts dealing with juries. In a criminal case, except when the prisoner is charged with a capital offence, a verdict of guilty of any minor offence of which he may be lawfully convicted on such trial or of total acquittal may be found by a majority of three-fourths of the jury after four hours' deliberation. A criminal case is tried by twelve jurors, and a civil case by eight jurors.

Imperial Defence.—No. 35 provides for an annual local contribution computed at the rate of 2*s.* 6*d.* in respect of each inhabitant, as enumerated at the last census, as a contribution to His Majesty's Government towards the defence of the Empire. The amount contributed is paid out of the public treasury in respect of all ranks of the military garrison serving in Bermuda at the rates per day specified in the Act to be applied as His Majesty's Government shall direct.

Superannuation.—No. 38 consolidates and amends six previous Acts dealing with the superannuation of the members of the Civil Service, and Act No. 48 provides for the superannuation of the teachers of four schools of the better class.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* Sir Robert Garran, K.C.M.G.]

Public Acts passed—38.

Arbitration.—The Commonwealth Conciliation and Arbitration Act (No. 8) provides that after a date to be fixed by Proclamation the Principal Registry of the Commonwealth Court of Conciliation and Arbitration shall be situated at the Seat of Government. Until that date it will be situated at such place as the Minister from time to time directs.

Banking.—The Commonwealth Bank (Savings Bank) Act (No. 36) makes provision for the establishment of a bank, to be known as the Commonwealth Savings Bank, to take over the savings bank business of the Commonwealth Bank, and for the appointment of a Commission of three persons to manage the affairs of the bank. Until this Commission is appointed, the Savings Bank will be managed by the Board of the Commonwealth Bank and for that purpose the Board may exercise all the powers conferred on the Commission. The assets of the Savings Bank branch of the Commonwealth Bank will be transferred to the Commonwealth Savings Bank, which will be authorized to invest its funds in any of the following investments: Government securities approved by the Treasurer; loans on the security of land; loans in accordance with the Commonwealth Housing Act, 1927, for the purchase or erection of dwelling-houses, and for the discharge of mortgages on dwelling-houses; loans for the erection of warehouses or storage facilities intended for the warehousing or storage of primary products, including the erection of plant for treatment to ensure their preservation and preparation for marketing; debentures issued by the Commonwealth Bank; on fixed deposit with the Commonwealth Bank; or in any other prescribed manner.

Bankruptcy.—Act No. 3 makes a number of amendments to the Act of 1924. S. 8 gives priority to administration expenses, including the taxed costs of the petitioning creditor and the remuneration of the trustee. Priority is also given to the expenses of a trustee under a deed of arrangement. The Act expressly provides that where a local authority or a person or company authorized to supply electricity places electrical apparatus on the premises of any person this apparatus shall not be subject to any proceedings in bankruptcy against the person in possession of the premises. It is also provided that the payment of money or delivery of property to a person against whom a sequestration order is subsequently made is a good discharge to the person paying the money or delivering the property if he has not received notice of the presentation of the bankruptcy petition, and is acting in the ordinary course of business or otherwise in good faith. The power to annul sequestration orders is extended to cases in which the bankrupt has obtained a legal acquittance of his debts.

Bounties.—The Wine Export Bounty Act (No. 10) provides for the continuance of the bounty on fortified wine until 1930, but the rate of bounty is reduced from 4*s.* to 1*s.* 9*d.* per gallon.

The Iron and Steel Products Bounty Act (No. 38) provides for the payment of a proportionate amount of bounty on traction engines containing materials or parts not produced in Australia except in cases where the cost of such materials and parts exceeds 40 per cent. of the total factory or works cost of the engine. The Act also increases the bounty on galvanized sheets manufactured in Australia.

Defence.—Act No. 1 extends the regulation power to enable the Governor-General to exercise control over the construction of buildings in certain areas where such control is necessary for the defence of the Commonwealth. Power is also taken to prohibit the emission of smoke from factories or other buildings in the vicinity of guns, forts, searchlights, etc., during naval, military or air force practice.

Export.—The Dried Fruits Export Charges Act (No. 6) amends the Act of 1924 by authorizing the Governor-General to exempt dried

currants, dried sultanas and dried lexias from the charges under the Act.

The Pearl-shell Overseas Marketing Act (No. 13) provides in the first place for the holding of a poll of producers to determine whether the Act shall be brought into operation. The scheme of the Act is similar to that of the Canned Fruits Export Control Act, 1926, and the Dairy Produce Export Control Act, 1924.[1] Provision is made for the appointment of a Pearl-shell Overseas Marketing Board consisting of three members, one of whom will be appointed by the Government and the others elected by the producers. This Board may appoint agencies outside Australia and will be in a position to control the export, and sale and distribution after export, of Australian pearl-shell. The Board will be authorized to make arrangements for the handling, marketing, storage and shipping of pearl-shell placed under its control. The expenses in connexion with the administration of the Act will be met by a charge of £3 per ton levied under the authority of the Pearl-shell Export Charges Act (No. 14) on all pearl-shell exported from the Commonwealth.

The Fresh Fruit Overseas Marketing Act (No. 22) provides for a scheme on similar lines to those of the Pearl-shell Overseas Marketing Act. As in that Act, the question whether or not the Act is to come into operation is to be determined by a majority of the producers in the industry. Provision is made for the constitution of a Board, consisting of seven members, which may appoint a London Agency, and may exercise control over the export and marketing of fresh fruit. The poll in respect of the operation of this Act was held on September 28, 1927, when a majority of the growers voted against the proposal.

Financial Assistance to States.—The Wire and Wire Netting Act (No. 15) authorizes the making of advances by the Commonwealth to the Governments of the States and of the territories of North Australia and Central Australia for the purpose of supplying wire and wire netting to settlers.

The States Grants Act (No. 4) repeals ss. 4–7 of the Surplus Revenue Act, 1910, which provide for payments by the Commonwealth to the States at the rate of 25*s.* per head of population.

In lieu of these payments the Act provides for the following payments to the States during the year 1927–8, subject to the terms of any agreement made between the Commonwealth and all the States: New South Wales, £2,978,343; Victoria, £2,152,615; Queensland, £1,131,646; South Australia, £721,269; Western Australia, £483,750; Tasmania, £267,367; total, £7,734,990.

In the case of Tasmania an additional payment of £378,000 is to be made for a period of two years, and, in the case of Western Australia, an additional payment of £300,000 will be made for a period of five years.

The Act also provides that the Treasurer shall pay to the several States, in proportion to the number of their people, any surplus revenue in his hands at the close of each financial year.

Housing.—The Commonwealth Housing Act (No. 35) is complementary to the Commonwealth Bank (Savings Bank) Act. By that measure it is proposed to authorize the Commonwealth Savings Bank to advance moneys for the purchase or erection of dwelling-houses, and for the discharge of mortgages on dwelling-houses, and the Housing Act defines the manner in which these powers are to be exercised. A loan

[1] See *Journal of Comparative Legislation*, Third Series, vol. viii, pt. ii, p. 119.

will not be made under the Act to any person already owning a house except for the purpose of discharging an existing mortgage. A loan will not be made to any person who has already received a loan, or whose wife or husband has received a loan, and the granting of a loan for the erection of a house will be conditional upon the borrower intending to reside in the home. Moneys will not be advanced to any authority for the purpose of home building unless that authority extends the benefits of its existing schemes to persons in receipt of an income not exceeding £12 per week. It is proposed that up to 50 per cent. of the increase in deposits in the Savings Bank and up to 25 per cent. of maturing investments when such investments are not renewed will be made available for housing, and the Commonwealth will raise loans so that, with other funds, a total of £20,000,000 will be available for housing. On all loans made by the Treasury to the Commonwealth Savings Bank the Bank will be required to make a contribution to the National Debt Sinking Fund of at least 10s. per cent. per annum of the amount of the loan. These contributions will continue for such a period as is necessary to redeem the loan, after allowing compound interest at the rate of 5 per cent. per annum on the accumulated contributions. It is not proposed that the Savings Bank itself will engage in house building, the intention being that it will make the funds available through State or Territorial Administrations, State Savings Banks, and municipalities. The additional funds thus provided will augment the money already available, and will be applicable to existing housing schemes. Provision is made also for the building of a better class of house and advances will be made up to 90 per cent. of the value of the property, with a maximum advance of £1,800.

The success of the proposed scheme will depend upon the co-operation of the other home-building authorities, and it will be necessary for the States, in order that they may obtain the benefit of the terms of the Act, to amend their laws to enable those authorities to comply with the conditions laid down by the Commonwealth. If any State fails or refuses to take this action, the Commonwealth Scheme cannot operate in that State.

Inscribed Stock.—The Commonwealth Inscribed Stock Act (No. 2) authorizes the inscription of stock in the name of a Friendly Society or Trade Union. The Act also provides that stock certificates, Treasury Bonds and documents relating to the purchase or sale of stock or Treasury Bonds shall not be liable to stamp duty under any law of the Commonwealth or of a State unless they are declared to be so liable in the prospectus issued in respect of the loan concerned.

Judiciary.—The Judiciary Act (No. 9) relates to the administration of justice in the Federal Capital Territory. It provides that, until the principal Seat of the High Court is transferred to the Territory for the Seat of Government, there shall be a District Registry in that Territory. In regard to original jurisdiction, the Act confers on the High Court the same jurisdiction as the Supreme Court of New South Wales had prior to the transfer of the Territory to the Commonwealth. It is also provided that original jurisdiction may be vested in the High Court by Ordinances made by the Governor-General. A decision of the High Court in the exercise of this original jurisdiction will be final except in regard to certain matters as to which an appeal will be allowed to the Full Court of the High Court. Appellate jurisdiction is also conferred by the Act on the High Court in respect of the judgments of all other Courts exer-

cising jurisdiction in the Territory. S. 8 of the Seat of Government Acceptance Act and s. 11 of the Seat of Government (Administration) Act are repealed. The Act confers on persons admitted as barristers or solicitors in a State the right to practise in any Court of a Territory under the control of the Commonwealth, subject to a provision that any person who has been deprived of his right to practise in his State shall be struck off the Register of Practitioners of the High Court. The Act is to commence on a date to be fixed by Proclamation. The date has not (up to October 15, 1928) been fixed.

Mining.—The Petroleum Prospecting Act (No. 16) enables the Minister to make advances under the principal Act (No. 5 of 1926) to assist persons prospecting in Papua and New Guinea. Advances may also be made for the purpose of the conduct of geological surveys.

Taxation.—The Land Tax Act (No. 29) provides for the reduction of land tax by 10 per cent. The Land Tax Assessment Act (No. 30) makes a number of amendments to the Land Tax Assessment Act, 1910–26. Most of the amendments relate to matters of administration. Provision is made for the appointment of Valuation Boards to determine the value of land in the case of assessments objected to by taxpayers. The power of the Relief Board to grant relief from tax is extended to cases in which the owners of land used for primary production have suffered from droughts or adverse seasons. The provision relating to change of ownership is amended by substituting " midnight " for " noon " as the time at which the transfer is deemed to have taken place.

The Income-tax Act (No. 31) provides for the rates at which income tax is to be levied for the year 1927–8. The rate is 10 per cent. lower than the rate of tax previously in force.

The Income-tax Assessment Act (No. 32) is an amending Act which deals mainly with matters of administration. Provision is made for carrying forward losses of one year which are not recouped out of the income of that year to be deductions from the profits of any of the four succeeding years. Another matter dealt with is the deduction of certain capital expenditure incurred in connexion with opening up land for increased production, so as to encourage people to undertake this pioneer work. The provision relating to the deduction on account of the obsolescence of plant and machinery is also amended. Other amendments relate to the deduction in respect of gifts to charitable institutions, the revision of the averaging provisions of the principal Act, and the deduction to co-operative companies in respect of bonuses paid to purchasers based on the value of purchases made.

Victorian Parliament House.—The Victorian Parliament House Memorial Act (No. 24) appropriates the sum of £50,000 to provide for the erection of a Memorial associated with the Parliament House of the State of Victoria to commemorate the occupation of that building by the Commonwealth Parliament.

War Service Homes.—The War Service Homes Act, No. 17, amends the principal Act by increasing the maximum amount which may be expended on a home or advanced under the Act to £800, and in certain cases to £950.

The War Service Homes Agreement Act (No. 33) ratifies an Agreement made between the Commonwealth Government and the Commissioners of the State Savings Bank of Victoria, under which it is agreed that the State Savings Bank shall act as agent for the Commonwealth

in respect of the erection of dwellings and other operations under the War Service Homes Act, 1918–26.

Wireless Telegraphy.—The Wireless Agreement Act (No. 37) approves of an Agreement made between the Commonwealth Government and Amalgamated Wireless (Australasia), Limited. This Agreement is supplementary to the Agreements made in 1922 and 1924, under which the Commonwealth became the owner of a majority of the shares of the company. Amongst other things, the Agreement contains certain provisions in regard to the company's patents. These are contained in Part II of the Agreement, under which arrangements are made to test the validity of the company's patents in a court of final resort in Australia or New Zealand. If the company fails to establish the validity of its patents Part II will cease to operate. Otherwise the Part will operate for five years and thereafter until determined by notice by either party. Under this Part the company agrees to make its Australian patent rights available free of charge to each wireless telephone broadcasting station in the Commonwealth and its Territories for the purpose of carrying on wireless telephone broadcasting services, and to each broadcast listener and radio dealer licensed by the Commonwealth. The company also agrees to make its patent rights available to the Commonwealth free of charge for the purpose of the manufacture or use of plant or apparatus to be manufactured and used exclusively by the Commonwealth. In return for these concessions the Commonwealth agrees to pay to the company 3*d*. per month in respect of every person licensed to listen in under the Wireless Telegraphy Act. Part III provides for a different method of payment for the stations taken over by the company from the Commonwealth under the 1922 Agreement. This Part also determines the meaning to be attached to certain clauses of the principal Agreement as to which doubts have arisen. It is expressly provided that the company must comply with the provisions of the International Radio Convention and certain other Conventions. The company is authorized to accept or deliver overseas messages through its own agencies and officers and to relay such messages from one part of the Commonwealth to another, subject to the payment of terminal and/or transit charges, but, except as provided in the Agreement, the company must not transmit or receive inland messages unless so required by the Commonwealth in the case of interruption to line circuits. The company is authorized to conduct research and experimental work subject to certain conditions, and the company agrees that it will not, without the consent of the Commonwealth, appoint to or engage in its service any person who is not a natural-born British subject, and that it will endeavour to induce its officers and employees to become members of the Reserve Branch of the Defence Force.

1. NEW SOUTH WALES.

[*Contributed by* Professor F. R. Beasley, B.A. (Oxon.), LL.B. (Syd.), *and* M. W. D. McIntyre, Esq., B.A., LL.B. (Syd.)]

1926.

Acts passed: Public—25; Private—2.

Rural Workers' Accommodation.—Act No. 3, which repeals the Shearers' Accommodation Act of 1901, deals with the housing of workers

in agricultural and pastoral occupations. Accommodation proper and sufficient for the comfort and health of rural workers employed and residing on the premises is to be provided in buildings free of cost to the workers except to the extent that an industrial award may authorize a deduction from wages in respect of accommodation provided by the employer. The accommodation of more than two persons in one sleeping compartment, and the use of upper bunks, are prohibited; certain other conditions are enumerated, any of which if present will make the accommodation improper and insufficient. The obligation to provide the buildings is placed on the owner of the premises where the workers are employed as well as on the person entitled to the immediate possession of such premises, and where the latter in order to comply with the Act provides the necessary building he or his estate is entitled, subject to certain conditions where the person entitled to the immediate possession is a tenant, to a charge on the premises for the value of the building as at the termination of the tenancy, or at the termination of his estate as the case may be (s. 7). Every structure provided for the accommodation of rural workers is, unless otherwise determined by an industrial award, to be kept clean by the persons occupying it, and whenever it is not being kept clean by them the employer may thereupon have it cleaned at the expense of the occupiers. However, where twenty or more rural workers are accommodated in one group the employer is bound to provide a hut-keeper (s. 8). Provision is also made in regard to accommodation where the work being done is of a temporary nature, inspection by inspectors appointed by the Governor, offences against the Act, and other incidental matters.

Farm Produce Agents.—Act No. 7 defines a farm produce agent as any person who as an agent for others carries on or advertises or notifies that he carries on the business of selling farm produce, but excepts from the definition a licensed auctioneer conducting a clearing-out sale of the vendor's own produce on the vendor's property, a person employed merely as a servant, any banking company and any society registered under the Co-operation, Community Settlement and Credit Act, 1923, whose objects include the disposal of agricultural products (s. 2). No person is to carry on or advertise or notify that he carries on business as a farm produce agent unless he holds a current licence, and it is a condition precedent to obtaining or renewing a licence that the applicant should furnish to the Registrar an insurance company's bond for £500 or other prescribed security (s. 7).

A licence cannot be held by (*inter alios*) a minor, or a person who within five years has been convicted of any offence punishable by imprisonment for a term exceeding three months, or a person who within five years has been declared by a Court to have committed a fraud, or an uncertificated bankrupt (s. 8).

The Registrar may give notice to any licensed corporation to have the name of any person who is not qualified to hold a licence removed from its share register, and provision is made for the necessary sale of his holding by the shareholder or, on his default, by the company itself (s. 9). Among the grounds for cancellation of a licence is the commission by the holder of an offence under the Act (s. 10). An appeal lies to a District Court Judge from the Registrar's cancellation of a licence and from his refusal to license (s. 11).

A farm produce agent is bound, among other things, to send to his

principal a written account within seven days of the disposal of the produce of the principal (s. 14); to pay to a trust account in a bank the proceeds of disposal in excess of any advances made to the principal (s. 15 (1)); and to pay within fourteen days from such disposal the amount due to the principal (s. 15 (3)).

Included in the offences by a farm produce agent dealt with by the Act are the following: (1) The purchase by the agent without the principal's consent in writing of produce consigned to the agent for sale (s. 18 (1)); (2), subject to certain defences, the destruction by an agent of produce in a marketable condition (s. 19); (3) knowingly and fraudulently spreading a false rumour "with intent to enhance or decry the price" of produce (s. 20); (4) buying produce wholesale and selling it wholesale within three miles of the place of purchase at an enhanced price, or "forestalling," as the marginal note calls it (s. 21); and (5) knowingly misrepresenting the description or quality of produce supplied or offered for sale by the agent (s. 22).

Regulations may be made prescribing the following among other matters: (1) the books to be kept by farm produce agents; (2) the maximum charges which such agents may make for their services; and (3) the form of account sales to be rendered to a principal (s. 32). A farm produce agent may not sue for his remuneration unless he is licensed and such remuneration is not in excess of the prescribed charges (s. 28).

Constitutional Amendment.—By virtue of the Constitution (Amendment) Act, 1924 (No. 1 of 1926, in which year it received the Governor's assent although passed by Parliament in the last session of 1925), the persons who may be appointed members of the Legislative Council (a wholly nominee body) are to include women "whether married or unmarried."

Criminal Law.—The rule that at the trial of any person no comment shall be made upon the fact that he has refrained from giving evidence on oath on his own behalf (Crimes Act, 1900, s. 407) has been amended by Act No. 4 as a result of the anomaly which arose in a recent conspiracy trial. One of the accused was defended by counsel and did not give evidence on oath; the other accused conducted his own defence, did give evidence on oath, and in his address to the jury drew attention to the failure of his fellow-accused to enter the box.[1] The rule now is that the failure of an accused (or of his or her wife or husband) to give evidence "shall not be made the subject of any comment by the Judge or by counsel for the Crown." It is also provided that where two or more persons are being tried together, and comment is made by or on behalf of any of them upon the failure of any of them to give evidence, the Judge may make such observations to the jury in regard to such comment or such failure as he thinks fit.

Day Baking.—Act No. 13 provides by s. 3 for the prohibition of the manufacture of bread (1) between the hours of 6 p.m. on one day and 5.30 a.m. on the next following day, (2) on any holiday so appointed under any award or industrial agreement controlling the baking industry, and (3) within the two metropolitan counties, at any time on Sunday. Similar provisions, varying in detail only, control the hours during which bread may lawfully be sold.

Electoral System.—The Parliamentary Electorates and Elections (Amendment) Act, No. 12, marks the passing of the system of "Pro-

[1] *R. v. Ellis*, 25 S.R. (N.S.W.) 575; 37 C.L.R. 147.

portional Representation " which had been in force in New South Wales since 1921, the first election under the then new system having been held in 1922. Proportional representation owed its introduction to a Nationalist government; at first the Labour party was hostile to it, then it approved, and later it changed its mind for the second time and resolved when again returned to power to revert to the older system, a resolution which it duly carried out in this Act. Under Proportional Representation the State had been divided into five- and three-member constituencies, and the method of ascertaining the result of the poll followed closely the principles advocated by the English Proportional Representation Society; a serious flaw in the system was its elimination of by-elections, since the Parliamentary Elections (Casual Vacancies) Acts of 1920 and 1921 provided for the appointment of the next available candidate of the party in which the vacancy occurred, and, in the event of there being no such candidate, for the right of free selection by the leader of the party concerned. Ss. 3 and 4 of the new Act provide for the appointment of a commission to divide the State into single-member constituencies, and for the preparation by the Chief Electoral Officer of new electoral lists showing in which constituency each voter is enrolled. The operation of the Parliamentary Elections (Casual Vacancies) Acts is preserved in respect of any vacancies occurring during the life of the Parliament which passed the new Act and which itself had been elected under the system of Proportional Representation (s. 7). The voter must henceforth mark on the ballot-paper the figure " 1 " opposite the name of the candidate to whom he desires to give his first preference, and *may* if he so desires give contingent votes in the order of his preference to all or any of the remaining candidates (s. 8 (10)). By-elections are now to be held in accordance with the same principles (s. 6 (2)). The method of ascertaining the result of the poll is provided for by Schedule 18; the candidate with an absolute majority of the votes cast is declared elected, but if there be no such candidate then the candidate with the least number of first preferences is excluded and the ballot-papers previously counted to him are to be counted to the candidate next in the order of the voter's preference; the process of elimination and re-allocation is repeated as often as may be necessary until one candidate has received an absolute majority, whereupon he is declared elected.

The election of October, 1927, was held in accordance with the system prescribed by the Act, and resulted in each of the three leading political parties obtaining practically the number of seats to which the number of first preference votes cast in its favour entitled it.

Fair Rents.—The Fair Rents Act, 1915–20, applied only to dwellings let at a rent not exceeding £3 per week. As amended by No. 2 the Act is to apply to a shop in which the business of selling goods by retail is carried on, and also to a building partly a dwelling-house and partly such a shop when the shop or building is let at a rent not exceeding £6 per week. In the case of a building partly a dwelling-house and partly a shop partially leased or wholly leased to separate tenants, the Act is to apply to any part let which if a separate building would be subject to the Act (s. 3). The formula for the calculation of the fair rent (1915–20 Act, s. 9) is not altered except that taxes on the subject premises (as distinct from rates) are not now to be taken into account. New South Wales land tax only affects the western division of the State, and Federal land tax is payable only by owners not being absentees and holding land

in Australia of an unimproved capital value in excess of £5,000, so that this amendment affects only a limited number. The proviso that, except where circumstances rendering an increase equitable are proved, the " fair rent "shall not exceed the rent at which the dwelling was let on January 1, 1915, still remains in the Act. This restriction does not apply to a shop, but as by virtue of s. 2 a " dwelling-house " means any premises let " wholly or partially for residence," it does apply to a shop-dwelling as well as to a dwelling proper. Drastic restrictions on a landlord's right to eject a tenant are contained in a new section (21A). No order for the recovery of possession of any dwelling-house or shop is to be made unless, for example, (1) the tenant has not fulfilled some lawful obligation incidental to his tenancy ; or (2) the tenant or a person residing with him has caused nuisance or annoyance to adjoining occupiers ; or (3) the premises have deteriorated owing to acts of waste by the tenant or any such person ; or (4) the tenant has given notice of his intention to quit and in consequence thereof the landlord has taken steps as the result of which he would be seriously prejudiced if unable to obtain possession ; or (5) the premises are reasonably required by the landlord as a residence or shop for use by him or a member of his family ; or (6) for the purpose of complying with the requirements of a local government or health authority ; or (7) for demolition or substantial reconstruction, provided in this case that greater hardship would be caused by refusing the order than by granting it. It will be noted that s. 21A purports to apply to all dwelling-houses and shops without reference to their respective rents, but it is submitted that the enumeration in s. 3 of the premises to which the Act is to apply restricts the operation of s. 21A to premises of which the rent might be determined by a Fair Rents Court. The amending Act of 1926 concludes by providing that notwithstanding any provision of the Distress for Rent Act, 1737 (Imperial), any penalty in respect of the removal of goods in contravention of that Act shall be such sum not exceeding double the amount of the rent in arrear as the Court may think reasonable.

Industrial Arbitration.—Act No. 14 recasts the existing system of industrial arbitration by providing that the judges of the present Arbitration Court shall cease to have jurisdiction as from the commencement of the Act (s. 3), although they are retained in their judicial office, and that the whole of their powers are to be vested in the Industrial Commission established by the Act (s. 6). The Commission is composed of a Commissioner sitting alone in some cases, or of the Commissioner assisted by an even number of representatives of employers and employees ; provision is made for the appointment of a Deputy Commissioner to exercise such powers of the Commissioner as may be prescribed and whether the Commissioner is absent or not. The Commission is entrusted with the duty of declaring the basic wage from time to time, thus superseding the Board of Trade in this function, and has general powers of dealing with all industrial matters (s. 7). S. 8 provides for the establishment by the Minister, either on his own initiative or on the recommendation of the Commission, of conciliation committees in any callings or groups of callings ; these committees have power to hear and determine all matters relating to the particular calling for which they are established, their jurisdiction being exclusive even of the Commission itself except in cases where the Commission is satisfied that the committee has failed to make an order or award. Parties cannot be represented before the Commission by counsel or solicitors unless permission is given by the Commission for

such representation, and no evidence may be taken which would result in the disclosure of trade secrets (s. 13–14). On a hearing before the Commission the opinion of the majority is to prevail, but where there is an equality of votes the opinion of the Commissioner prevails (s. 6 (a)).

Juvenile Migrants.—Act No. 8 repeals the Juvenile Migrants Apprenticeship Act of 1923,[1] but without prejudice to anything done under that Act before the passing of the repealing enactment. The Minister is empowered (s. 4) to appoint government training farms for the reception and training of juveniles intended for rural employment, to place juveniles thereon, to make provision for their subsequent employment, and for their continuance in such employment under his supervision. Provision is also made for the recovery of wages due to any such juvenile (s. 5), for notification by the employer of the death, injury, illness or cessation of employment of the juvenile (s. 6), for notice to be given by the employer to the Minister of his intention to dismiss the juvenile or to transfer him to another person (s. 7) ; the Minister himself has power to transfer the juvenile to another employer (s. 8). A list of offences against the Act is given (s. 9), and jurisdiction in proceedings for breaches thereof is conferred upon a stipendiary or police or industrial magistrate, or upon any two justices in petty sessions.

Preference to Australian and British Goods.—The Local Government Amendment (Preference to Australian and Empire Goods) Act (No. 20) inserts a new s. 517A in the Local Government Act of 1919 in order to provide that all councils to which the latter Act applies shall in purchasing goods or materials give preference firstly to goods manufactured in the Commonwealth and secondly to British goods over foreign manufactures. The rates of preference which are to be given are prescribed, and a definition of " British " goods is included (s. 2).

Settlement in Irrigation Areas.—The Irrigation Act of 1912, as varied by subsequent legislation, is further amended by the Irrigation (Amendment) Act (No. 6), which by a new section, 19A, gives the Minister power to remit any unpaid rent or charge for water, to exempt the occupier from payment of future rent or charge, and to apply any rent or charge already paid towards liquidation of the amount due to the Crown in respect of the land itself. This provision applies only to the irrigation areas constituted under the Wentworth Water Act and the Hay Water Act of 1902. S. 19D provides for the reclassification of holdings and the revision of the indebtedness of holders being discharged soldiers or persons not being discharged soldiers but who within six months after the passing of the Act apply to the Commission appointed under the Act for a revision of their liability to the Crown. A right of appeal to the Land and Valuation Court against the decision of the Commission is given by s. 19E, and by s. 19H the Commission must, subject to certain minor exceptions, reduce to 5½ per cent. per annum the rate of interest payable by any discharged soldier to the Crown in respect of his property. The Act also inserts a new s. 143A in the Crown Lands Consolidation Act of 1913 (as subsequently amended), to provide for the reduction of capital values by one-half and for the reduction of rents by a like amount in the case of holdings subsisting at December 23, 1924, the alteration to take effect as from the date of commencement of the Irrigation (Amendment) Act of 1926.

Taxation of Newspapers.—By the Finance (Newspapers Taxation) Act, No. 24, a tax of one halfpenny per copy was imposed on all news-

[1] See *Journal of Comparative Legislation*, Third Series, vol. viii, pt. ii, p. 132.

papers published for sale in New South Wales and appearing in numbers at intervals of not more than one month (s. 3). An exemption from the operation of the Act is given to newspapers which issue not more than 15,000 copies at the one publication, to papers issued by religious bodies or associations which devote all the profits arising therefrom to the purposes of the body or association, and to papers which on December 22, 1926, were sold at 3*d.* or more per copy (s. 3). A like exemption is extended to any paper sold or issued for transmission to any place outside New South Wales.

At the time of the passing of the Act doubt was thrown upon its validity on the ground that such a tax was a " duty of excise," which by s. 90 of the Commonwealth Constitution is within the exclusive jurisdiction of the Federal Parliament. The price to the public of newspapers published in New South Wales was increased by the amount of the tax, and the proprietors of the more important morning and evening journals brought an action against the State of New South Wales and the Colonial Treasurer thereof claiming a declaration that the provisions of the Finance (Newspapers Taxation) Act and the ancillary sections of the Finance (Taxation Management) Act were invalid on the ground of conflict with the Commonwealth Constitution, and an injunction restraining the defendants from enforcing the provisions of the above-mentioned Acts. The action was brought in the High Court under s. 76 of the Constitution, which empowers the Parliament to confer original jurisdiction on the High Court in any matter " arising under this Constitution, or involving its interpretation," a jurisdiction which has been duly conferred by the Judiciary Act of 1903-20. The case is reported in 39 C.L.R. 139, under the name of *John Fairfax & Sons Ltd. and Smith's Newspapers Ltd.* v. *New South Wales ;* the High Court, following its own recent decision in *The Commonwealth and Commonwealth Oil Refineries Ltd.* v. *South Australia* [1]—in which the imposition by the State of a tax on petrol sold or consumed within the State was held to be bad for violation of s. 90 of the Constitution—held that the newspaper tax was a " duty of excise " and therefore bad for the same reasons as the petrol tax had been declared unconstitutional.

Workers' Compensation.—The law relating to compensation to employees has been shaped afresh in Act No. 15, which repeals all the previous legislation on the subject—s. 3 (1)—with the exception of the Workmen's Compensation (Silicosis) Act, 1920, and the Acts dealing with lead-poisoning, pneumoconiosis, and tuberculosis contracted in the mines at Broken Hill (s. 5).

A Workers' Compensation Commission consisting of three members is set up to administer the Act (s. 31). (Only one of the present members is a lawyer.) Its proceedings are not to be called in question by any court " on any account whatsoever," but the Commission may itself state a case on a question of law for the decision of the Supreme Court (s. 37). The Commission may appoint medical referees (s. 50) to whom a worker claiming or receiving compensation shall, if so required by the Commission, submit himself for examination (s. 51).

There is no novelty in the definition of a " worker " as a person who has entered into or works under a contract of service or apprenticeship with an employer, and the persons not included are substantially the same as those set out in the English Act of 1925, s. 3 (2), except that a member of the employer's family dwelling in his house is not excluded,

[1] 38 C.L.R. 409.

and the remuneration of a person employed otherwise than by way of manual labour must exceed £750 per annum if such person is to fall outside the scope of the Act (s. 6 (1)). Further, the liability in respect of workers employed by contractors, or persons engaged in plying for hire with any vehicle or vessel, and of "casuals" employed for the purpose of any game or recreation, and the effect of an illegal contract of service on a claim for compensation, are substantially the same as under ss. 3 (1), 3 (2) (b), 3 (3), and 6 of the English legislation (ss. 6 (3), 6 (11), 6 (12) and 40).

Certain additions to the class of "workers" have, however, no parallel in the English Act. Where a contract to perform any work not exceeding £5 in value (not being work incidental to a trade or business regularly carried on by the contractor in his own name or under a firm name) is made with such contractor, or where a person in the course of his trade or business enters into a contract with one who thereby agrees to perform certain rural work, *e.g.* sugar-cane cutting, then if the contractor neither sub-let the contract nor employ workers, or, though employing workers, actually perform any part of the work himself, the contractor and the workers so employed are to be deemed workers employed by the person who made the contract with the contractor (s. 6 (4) and (5a)). Provision is also made that where a person advertises for timber, any person who gives notice that he will supply, indicating the nature of the work to be undertaken and the time within which it will be performed, and receives injury while engaged in the work, is to be deemed to be a worker employed by the person who so advertised (s. 6 (5b)). Jockeys riding for reward in a race managed by a racing club or association, or "riding work" on the premises of such a body, are workers and the club or association is the employer (s. 6 (10)). Persons employed in a pastoral or agricultural occupation, *e.g.* shearers' cooks and hut-keepers, and pickmen and others employed about a mine, are protected from the effect which receipt of their remuneration partly or wholly from the employees in the industry might otherwise have on the question whether they were employed by the person for whom the work in such occupation is undertaken or the person for whom the mine is being worked respectively (ss. 6 (9) and 6 (14)). Share farmers (those who farm lands which they do not own in return for a share of the profits) are treated as workers employed by the owner of the farm (s. 6 (7)). Provision is also made that a salesman, collector or person paid wholly or partly by commission is to be deemed a worker in the employ of the person by whom the commission is payable, unless the commission is received in connexion with work incidental to a trade or business regularly carried on by the person who is to receive the commission or by a firm whereof he is a member (s. 6 (6)).

Seamen who are employed on a New South Wales ship or on a ship whose first port of clearance and whose destination are in New South Wales, come within the Act. A New South Wales ship is defined and includes a ship registered in New South Wales (s. 46).

The right to compensation has been altered in several important respects in favour of employees. It is now sufficient if the personal injury is received "in the course of" the employment, even though it be not "by accident" nor "arise out of" such employment; or if received on the daily or other periodic journey between the employee's place of abode and his place of employment, without the employee's own default or wilful act, and not during any substantial interruption

of or deviation from such journey for a reason unconnected with his employment (s. 7 (1)). Under the repealed legislation serious and wilful misconduct debarred a claim in respect of an injury attributable to such misconduct; but the new law limits the defence to cases where the injury was *solely* attributable to such misconduct and then, following the English Act, disallows such a defence altogether where the injury results in death or serious and permanent disablement (s. 7 (3)). The effect of disobedience to orders, the receipt of the injury on a part of the employer's premises not directly connected with the employment, and other circumstances which might be inconsistent with the receipt of the injury "in the course of" the employment are also dealt with as in the English Act and are excluded as defences where death or serious and permanent disablement follows the injury (s. 7 (2)).

Further, "injury" is defined so as to include a "disease contracted by the worker in the course of his employment, whether at or away from his place of employment and to which the employment was a contributing factor." ("Injury" does not, however, include a disease caused by silica dust, which remains subject to the special silicosis legislation (s. 6). It has been decided that the phrase "to which the employment was a contributing factor" is equivalent to "arising out of the employment"—*McCooey* v. *Blackwell*[1]—and as a disease like any other injury must arise "in the course of the employment" if it is to give a right to compensation, the two phrases "arising out of" and "in the course of the employment" are thus re-united to govern cases of disease although one of the famous partners no longer affects a claim in respect of an "injury" in the narrower sense. The extended definition of "injury" renders unnecessary any section corresponding to s. 43 of the English Act and dealing with certain industrial diseases. It also prevents the failure of a claim in respect of a disease because the worker is unable to make a case of injury "by accident"—*cf. Eke* v. *Hart-Dyke*.[2] Where the disease is contracted by a gradual process compensation is payable by the last employer who in his turn is entitled to contribution from all employers who in the preceding twelve months employed the worker in any employment to the nature of which the disease was due (s. 7 (4)); *cf.* English Act, s. 43, sub-s. (1) (c) (iii)). Contributions towards the compensation payable to a salesman or collector who is deemed a worker by virtue of s. 6 (6) are also to be made by all employers by whom he was engaged at the time of the injury (s. 7 (6)).

The new Act has also generously increased the rates of compensation. The maximum amounts are, in the case of death, £800 plus £25 in respect of each child under 16 years who was dependent upon the worker's earnings, and in the case of incapacity (other than total and permanent disablement) £1,000, plus £50 for medical and other treatment. There is no maximum fixed for cases of total and permanent disablement. The limit of weekly payments is the average weekly earnings of the worker or £5, whichever is the smaller amount (s. 9). The liability in respect of any weekly payment may (with the consent of the worker) be redeemed only by payment of a lump sum determined by the Workers' Compensation Commission "having regard to the injury, age and occupation of the worker as well as to his diminished ability to compete in an open labour market." An application to redeem may be made by an employer at any time (s. 15). Where an injury mentioned in a table set out in

[1] 1926–27 Workers' Compensation Reports, 1. [2] 1910, 2 K.B. 677.

the Act results in total or partial incapacity the worker may elect to take the compensation set out opposite such injury. The loss of or the permanent loss of the use of either arm or the greater part thereof is listed at £675; of a joint of a toe at £75. The compensation for other injuries, producing total or partial incapacity, ranges between the two amounts mentioned, and it is also provided that if there be a permanent loss of *efficient* use (though no actual loss or permanent loss of use), then a percentage of the prescribed amount equal to the percentage of the diminution of the full efficient use may be awarded (s. 16).

Insurance against liability for workers' compensation is compulsory (s. 8 (1)). Insurers must be licensed (s. 27); and make the prescribed deposit (£6,000 or £10,000) with the Colonial Treasurer (s. 19). No insurer may, except with the consent of the Commission, refuse to insure an employer who has complied with the prescribed conditions except that if the insurer confines his business to indemnifying one employer or a group engaged in one industry or business, such insurer is not bound to insure outside his sphere of operations (s. 18 (2)). Policies are to be in a prescribed form and are to provide that the insurer as well as the employer is to be directly liable to the worker and, in the event of his death, to his dependents (s. 18 (3)). Also, when an employer becomes bankrupt or makes a composition with his creditors or being a company is being wound up, the rights of the employer against the insurer are transferred to the worker, and if the liability of the insurer to the worker is less than the liability of the employer to the worker, the latter may prove for the balance in the bankruptcy or liquidation as the case may be and his claim shall have priority over all other debts (s. 49). A licensed insurer cannot, without the consent of the Commission, refuse to reinsure another licensed insurer in respect of such part of the total liability as does not exceed the liability retained by the insurer who issued the policy to the employer (s. 19 (3)). An employer may be authorized to undertake the liability to pay compensation to his own workers (s. 18 (1)); but there can be no "contracting out" (s. 45).

The Act re-enacts the rule that where an injury was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the worker may proceed against such person and against any person liable to pay compensation, but shall not be entitled to recover both damages and compensation (s. 64). Somewhat curiously, however, the right to be indemnified by a person so liable to pay damages is given only to a person by whom compensation was paid and not also, as under the 1916 Act and the English Act of 1925, to a person who has been called on to pay an indemnity under the section relating to sub-contracting. The Act concludes, apart from miscellaneous provisions, by abolishing "common employment" as a defence to an action of negligence brought by an employee against his employer (s. 65).

2. QUEENSLAND.

[*Contributed by the* Hon. Sir Littleton E. Groom, K.C.M.G., M.A., LL.M., M.P., *and* J. F. Gamble, Esq., B.A., LL.B.]

Acts passed—28.

Aboriginals.—By an amendment (No. 24) of the Aboriginals Protection and Restriction of the Sale of Opium Acts, power is given to the Governor

in Council to set apart areas within the territorial waters of Queensland to be reserved solely for the use of Torres Strait island natives and Queensland aboriginals for getting pearl-shell, bêche-de-mer or trochus shell.

Agriculture.—The Fruit and Vegetables Act (No. 3) imposes certain requirements as to the selling of fruit and vegetables with regard to casing, packing, marking of cases, grading, etc. S. 5 provides that no fruit shall be sold in Queensland except in a case of prescribed size, measurement and capacity. S. 6 provides that cases shall be clean and free from any insect or fungus disease. S. 7 requires the name and address of the packer to be marked on the outside of case. Fruit or vegetables must not be sold in lots or packages unless arranged so that the external layers on top, bottom and sides are uniform in respect of grade and condition. It is an offence to sell fruit or vegetables which have not been graded, stacked or marked as prescribed by the regulations. Regulations may be made by the Governor in Council providing for the classification, grading, packing, marking, stacking, arranging and marketing of fruit and vegetables.

Electricity.—The Electrical Workers Act (No. 19) sets up an Electrical Workers Board consisting of nine members, which is empowered to grant certificates of competency to electrical fitters, jointers, linesmen, mechanics and other electrical workers. No person is to carry on or engage in the calling or occupation of an electrical worker unless he is the holder of a certificate granted under the Act. The Board is to consist of two representatives nominated by the Minister charged with the administration of the Act, a qualified engineer elected by the electrical authorities of the State, a nominee of the Fire Underwriters Association of Queensland, a representative of the employers in the electrical industry in the State, two representatives elected by the employees in the electrical industry in the State and two nominees of the Queensland Branch of the Electrical Trades Union of Australia. The duties of the Board are—(*a*) to co-operate with the Department of Public Instruction in preparing the syllabus of work for candidates for certificates of competency, and to advise from time to time as to the courses of instruction for candidates for certificates of competency and (*b*) to conduct examinations for certificates of competency and to issue certificates of competency and certificates of service.

Finance.—The Preamble of the Commonwealth and States Financial Agreement Ratification Act (No. 22) sets out that "with a view to making provision for the adjustment of Commonwealth and State financial relations, the general principle of a draft Scheme was affirmed by a Conference of Commonwealth and State Ministers of the Crown. . . ."

Permanent effect cannot be given to the proposals contained in the Agreement unless the Constitution of the Commonwealth is altered so as to confer on the Commonwealth Parliament power to make laws for carrying out such proposals. The purpose of the Act is to ratify the draft Agreement between Commonwealth and States. One of the most important provisions of that Agreement is the establishment of the Australian Loan Council which consists of a Minister of State of the Commonwealth and a Minister of State of each State. All the States are parties to the Agreement.

The Commonwealth and each State are to submit to the Loan Council from time to time a programme setting forth the amount it desires to

raise by loans for each financial year, and if the Loan Council decides that the total amount of the loan programme for the year cannot be borrowed at reasonable rates and conditions, it shall decide the amount to be borrowed for the year, and may by unanimous decision allocate such amount between the Commonwealth and the States.

If the members of the Council fail to arrive at a unanimous decision as to the allocation of the amount to be borrowed, the amount to be borrowed shall be allocated as follows: Commonwealth a fifth, and each State a sum bearing to the balance the same proportion which the net loan expenditure of that State in the preceding five years bears to the net loan expenditure of all the States during the same period.

The Commonwealth is to arrange for all borrowing for or on behalf of the Commonwealth or any State and for all conversions, renewals, redemptions and consolidations of the Public Debts of the Commonwealth and of the States.

Part III of the Agreement provides for the taking over by the Commonwealth as from July 1, 1929, of the balance then unpaid of the gross public debt of each State existing on June 30, 1927, and for the Commonwealth to assume, as between the Commonwealth and the States, the liabilities of the States to bond-holders. During a period of fifty-eight years from July 1, 1927, the Commonwealth is to pay certain stated amounts of interest on the public debts of the States.

A sinking fund is to be established, into which during the period of fifty-eight years, the Commonwealth is to pay from revenue annually a sinking fund contribution at the rate of *2s. 6d.* for each £100 of the net public debts of the States existing on June 30, 1927, and each State (other than the State of New South Wales) is to pay from revenue a contribution at the rate of *5s.* for each £100 of net public debt of the State existing on June 30, 1927.

The final clauses contain a draft alteration of the Constitution of the Commonwealth which the Commonwealth undertakes to submit to the Commonwealth Parliament and to electors.

Fire Prevention.—The Rural Fires Act (No. 15) is "an Act to make better provision for the prevention and control of rural fires." Its provisions deal with the restrictions placed on the lighting of fires for clearing land, and burning off timber thereon, and the rights and liabilities of the owners of properties on which fires occur. S. 6 sets out that no person between July 1 and January 31 in the following year shall light fires for the purpose of clearing land of stubble, scrub, timber, trees or any inflammable material, unless he provides fire-breaks against the possible spread of fire, and serves twenty-four hours' notice on adjoining owners of his intention to burn off. S. 7 provides that no person shall light fires on timber reserves, State forests or national parks, without the consent of a forest officer. S. 10 imposes a liability on owners of land to clear the inflammable material for a space of fifteen feet from a dividing fence dividing the land from any other owner or occupier. S. 12 prohibits the lighting of a fire in the open air in any rural district between July 1 and January 31 following unless all inflammable material is cleared for a space of six feet around such fire. S. 13 prohibits the lighting of any fire in any rural district for charcoal or lime burning unless a space of fifty feet around the site of the fire is cleared and the fire is enclosed in a kiln. S. 17 gives power to a fire warden or a fire brigade or any person (with the authority of a fire warden) to enter upon or pass

across any private property, to remove fences, plough land, make fire-breaks and set back fires without liability for trespass but subject to compensation to the owner or occupier. Ss. 22 and 23 set out that certain acts shall be offences rendering the persons committing such offences liable to a penalty not exceeding fifty pounds or imprisonment for six months. Such offences are: setting fire on land of another person, permitting a fire to escape from a person's own land, igniting any inflammable material so as to endanger another person's property, throwing down a match, cigar, cigarette, or lighting fires within a hundred yards of standing crops, leaving fires unextinguished in open air, trespassing on State forests or timber reserves, failing to comply with the order of the fire warden, omitting to notify the fire warden of intention to burn, or being in possession of wax matches or phosphorous baits where possession is contrary to the Act.

Firearms.—The Firearms Licence Act (No. 21) deals with the registration, etc., of firearms. A firearm is defined as "any lethal weapon from which any shot, bullet or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breech, does not exceed nine inches. . . ." No person is to purchase, use, carry or have in his possession any firearm unless he holds a licence under the Act; a person who has in his possession a firearm without a licence is liable to a penalty of not less than £10 or more than £50. Provision is made in s. 4 for employees of banks, financial institutions, and businesses, in respect of which a licence has been issued to the proprietor or manager, to carry a firearm notwithstanding that the name of such employee does not appear on the licence. Under s. 5 restrictions are placed on the sale of firearms to any person who fails to produce a licence to carry a firearm or gives reasonable proof that he is a person entitled to carry or use a firearm. S. 7 provides for the registration of persons who carry on the trade or business of dealers in firearms. S. 8 empowers any member of the police force to demand from any person the production of his licence for carrying a firearm, and s. 9 provides for the search by the police of any person in any public place suspected of having any firearm in his possession. S. 10 enables a magistrate to issue a search warrant to the police to search any premises on which it is suspected any firearm is concealed or lodged.

Land.—The Land Acts Amendment Act (No. 17) amends the Land Acts in respect of certain features, the principal amendments dealing with (*a*) drought relief, (*b*) establishment of a Land Administration Board to assist the Minister and (*c*) assistance to settlers for development of difficult country. Part I contains provisions whereby a lessee of a grazing selection detrimentally affected by drought conditions, may apply to the Minister to have his lease considered under the Act. The Minister is then empowered to refer the application to the Land Administration Board set up in Part II of the Act for inquiry and recommendation. In making inquiry, the Board is particularly to investigate (*a*) the extent to which the selection has been detrimentally affected by the drought; (*b*) the area of land sufficient to afford a selector a reasonable living area; and (*c*) rental value of the land. The Minister, on the recommendation of the Board, is to make certain determinations as to the area of land to be granted as a new grazing lease, and as to the terms of such lease, and the rent to be charged in respect of the lease.

Part II of the Act sets up a Board of three persons to be called the

Land Administration Board for the better carrying out of the provisions of the Act, and in particular for assisting the Minister in dealing with applications for drought relief to grazing selectors. Part IV of the Act enables the lessee of any pastoral holding or grazing selection for depasturing sheep or cattle, the development of which will cost an abnormally high sum, to apply to the Minister for special concessions in order to enable him to undertake the expenditure needed for such development. The Minister is to investigate the matter having particular regard to (*a*) the demand or lack of demand for grazing country of the kind comprised in the application; (*b*) the monetary value of concessions sought, and (*c*) the extent to which the interests of the State will be promoted by the improvements or development works in question.

Mining.—Provisions regarding applications for construction of aerial ropeways constitute the main features of the Mining Act Amendment Act (No. 16). Applications may be made to mining wardens by holders of mining tenements for permission to construct and maintain aerial ropeways for the conveyance of metals, minerals or ores mined by the holders. Compensation may be awarded to owners or occupiers of land traversed by such ropeways.

Petroleum.—The Petroleum Act Amendment Act (No. 13) sets up a Petroleum Advisory Board, for the purpose of making any inquiry or investigation which may be deemed necessary under the Petroleum Act of 1923. A provision is inserted requiring an applicant for a prospecting petroleum permit to furnish a bond or other surety of not less than £500 as to his ability to comply with the prescribed conditions. Within six months after the issue of a permit, a permittee is to furnish satisfactory proof that he has ordered sufficient plant or that such plant is in course of construction whereby he may drill oil wells to such depths as are required. A provision is inserted imposing on a lessee the payment of a royalty on petroleum produced equal to 12½ per cent. on gross value of petroleum produced up to 2,000 feet, 10 per cent. on that produced from 2,000 to 4,000 feet and 7½ per cent. produced at over 4,000 feet. No royalty is payable, however, unless the daily production exceeds a specified amount. A lessee is required to case each well with metal casing and to take effective steps to shut off all water overlying and underlying the petroleum deposits. The Minister is empowered to grant prospecting permits for prospecting or geological investigation and for "scout drilling."

Practice.—The Reciprocal Enforcement of Judgments Act (No. 4) provides for the enforcement in Queensland of judgments obtained in Superior Courts in other British Dominions. "Judgment" is defined as a "judgment or order given or made by a Court in any civil proceedings . . . whereby any sum of money is made payable. . . ." S. 3 provides that when a judgment has been obtained in a Superior Court in any part of His Majesty's Dominions outside the Commonwealth of Australia the judgment creditor may apply to the Supreme Court within twelve months to have the judgment registered in that Court; and the Court may order the judgment to be registered accordingly. When registered the judgment is to have the same force and effect as if it had been originally obtained in the Supreme Court. No judgment is to be registered if (*a*) the original Court acted without jurisdiction; (*b*) the judgment debtor did not voluntarily appear or submit to the jurisdiction of the Court; (*c*) the judgment debtor was not served with the process of the Court; (*d*) the judgment was obtained by fraud; (*e*) the judgment

debtor satisfies the Court that an appeal is pending; (*f*) the judgment was in respect of a cause of action which could not have been entertained by the Supreme Court.

Primary Produce.—By the Primary Produce Experiment Stations Act (No. 9) power is given to the Governor in Council to establish and maintain primary produce experiment stations in respect of such primary produce as may be specified by Order in Council. In regard to fruit, such experiment stations may be constituted in respect of bananas, pineapples, citrus fruits and deciduous fruits. These stations are to be established "for conducting experiments (including soil analysis) in connexion with such primary produce, for the treatment of by-products thereof, for the prevention of the spread of disease in connexion therewith, and otherwise for promoting the successful cultivation of such primary produce."

Superannuation.—The Public Service Superannuation Act Amendment Act (No. 5) makes many technical amendments of the Act of 1912, and applies the provisions of the Act to the officers and servants of the University of Queensland.

Supreme Court.—The object of the Queensland Law Society Act (No. 14) is to provide for the incorporation of the Queensland Law Society, and to make further provision for regulating the Legal Profession in Queensland. The Queensland Law Society is incorporated as "The Queensland Law Society Incorporated," and is to consist of all persons who at the commencement of the Act are members of the Queensland Law Association and all persons who after that time become Members of the Society. The Society is to have perpetual succession and may sue and be sued. Every person who is entitled to practise as a legal practitioner is entitled to become a member of the Society. The Statutory Committee of the Society is empowered to hear charges of illegal or professional misconduct upon the part of practitioners. An order of the Statutory Committee is to be filed with the Registrar of the Supreme Court and shall be enforceable in the same manner as a judgment or order of the Court. Any person who pretends to be, or holds himself out to be, a practitioner without being duly qualified so to act, is guilty of an offence, and is liable to a penalty not exceeding £50.

Wire and Wire Netting.—The Wire and Wire-Netting Advances Act (No. 23) ratifies an agreement made between the Commonwealth of Australia and the State of Queensland on March 28, 1927, whereby the Commonwealth is to make certain advances to the State of Queensland for the purpose of purchasing fencing wire and wire-netting to be supplied to settlers in the State. Settlers may obtain advances under the Act for the purpose of erecting rabbit-proof, marsupial-proof or dog-proof fences of wire or wire-netting. The cost is to be repaid by the settler in twenty-five years.

3. SOUTH AUSTRALIA.

[*Contributed by* E. L. Bean, M.A., LL.B., *Parliamentary Draftsman of South Australia.*]

1926.

During the year 1926 fifty-eight Acts were passed by the Parliament of South Australia. Of these, seventeen introduced new principles of general importance. The remainder were either of limited application or contained merely minor amendments of existing laws.

Local Courts.—Act No. 1782 consolidates and amends the law relating to Local Courts. The amendments are of considerable importance and may be summarized as follows: (*a*) The jurisdiction of Local Courts of Full Jurisdiction is raised from £490 to £500, and of Local Courts of Limited Jurisdiction from £20 to £30. In addition the Local Court of Full Jurisdiction in the capital city (Adelaide) when constituted of a Local Court Judge or a Judge of the Supreme Court is given equitable jurisdiction in the following matters: (i) In actions for administration and account by creditors, legatees, devisees or next of kin, in which the value of the estate involved does not exceed the sum of £500; (ii) in actions for the execution of trusts in which the trust estate, or fund, does not exceed in amount or value the sum of £500; (iii) in actions for foreclosure or redemption or for enforcing any charge or lien, where the mortgage, charge or lien does not exceed in amount the sum of £500; (iv) in actions for the dissolution or winding up of any partnership in which the whole property, stock and credits of the partnership do not exceed in amount or value the sum of £500; (v) in actions for the specific performance of, or for delivering up, or cancelling, any agreement for the sale, purchase, or lease of any property where, in the case of a sale or purchase, the purchase money, or in the case of a lease, the value of the property, does not exceed the sum of £2,000; (vi) in actions for relief against fraud or mistake in which neither the damage sustained, nor the estate or fund in respect of which relief is sought, exceeds in amount or value the sum of £500; (vii) in actions for the partition of land where the value thereof does not exceed £500; (viii) in actions for orders in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given by this Act to the Local Court of Adelaide of Full Jurisdiction; or for stay of proceedings at law to recover any debt provable under a judgment for the administration of an estate made by the said Local Court. (*b*) The Act empowers the Governor to appoint one Local Court Judge, who shall hold office during His Majesty's pleasure. Before the passing of the Act Local Courts were constituted only of Magistrates or Justices. (*c*) The rule that a Local Court of Full Jurisdiction must consist of a Magistrate and two Justices of the Peace is abolished. Under the Act a Local Court of Full Jurisdiction will consist of the Local Court Judge sitting alone, or a Magistrate sitting alone, unless in a case where a Magistrate sits, either of the parties demands that two Justices of the Peace shall sit with the Magistrate. If such a demand is made the Court must be constituted in accordance therewith. Local Courts of Limited Jurisdiction will, as was the case prior to the Act, consist of two Justices of the Peace or a Magistrate. If, however, a Magistrate competent and willing to act attends at the Courthouse to hold a Local Court of Limited Jurisdiction, then Justices have no jurisdiction. (*d*) Juries in Local Courts are abolished. (*e*) Before the Act an appeal against a decision of a Local Court lay only on a question of law. The Act confers a general right of appeal on fact and law, the appealable amount being raised from £20 to £30. (*f*) Local Courts of Full Jurisdiction are for the first time given power to order discovery and inspection of documents, and interrogatories. (*g*) The Act contains a provision similar to s. 66 of the English County Courts Act, 1888, whereby an action of tort commenced in the Supreme Court by a person without visible means of paying any costs, may on the application

of the defendant be removed to the Local Court, irrespective of the amount claimed.

Maintenance.—Act No. 1780 consolidates and amends the law relating to the maintenance of children by their parents and by the State, and the maintenance of other destitute persons by their near relatives and by the State.

Before the Act there were two Government Departments concerned with the maintenance of children and destitute persons, namely the State Children's Department and the Destitute Persons Department. The former had the care and control of deserted and convicted children. Its officers appeared in the Courts on behalf of deserted wives, and mothers and prospective mothers of illegitimate children, and assisted them to secure maintenance orders and affiliation orders against the defaulting husbands and fathers or putative fathers. It also assisted wives to obtain orders under the Married Women's Protection Act, 1896, for maintenance and relief from cohabitation.

The Destitute Persons Department had the care and control of the destitute poor other than children, and maintained institutions for that purpose. Where possible, its officers obtained on behalf of the destitute maintenance orders against the relatives liable by law to maintain them.

The State Children's Department was under the control of a Council of twelve members; and the Destitute Department was managed by a Board of six. In either case the executive officer of the governing body was the permanent head of the Department. In practice the work of these Departments overlapped.

The new Act amalgamates the two Departments and places all State relief under the management of one Board known as the Children's Welfare and Public Relief Board. In addition to carrying out all the work heretofore undertaken by the Government in connexion with public relief, affiliation and maintenance, the Board is charged with the administration of a new scheme for assisting mothers in needy circumstances. Under the provisions of the Act relating to this matter a mother who has any child under fourteen years of age and who cannot provide for its maintenance nor obtain by any legal proceedings adequate support for it, may on application to the Board obtain an order entitling her to a weekly sum of money not exceeding fifteen shillings for each such child.

The Act considerably simplifies the law relating to affiliation, maintenance and separation orders. It also amends the law relating to separation orders by enabling a married woman to obtain a separation from her husband on two grounds not previously available, namely persistent indecent behaviour of the husband before the children, and habitual drunkenness.

Superannuation.—Act No. 1770 institutes a scheme of Superannuation for all Government employees except the police, who have a separate scheme.

Pensions are payable partly out of moneys contributed by the employees and partly by the Government; in the normal case the share payable by the Government and that payable from the subscriptions of employees are equal. The unit of pension is £26, and the number of units for which an employee must contribute depends on his salary. In general, an employee must subscribe for a pension equal to half his salary, but no employee can subscribe for a pension of more than eight units, *i.e.* £208 per annum.

Motor Omnibuses.—Act No. 1776 establishes a Board for the purpose of licensing and controlling motor omnibuses plying for hire within the Metropolitan Area, *i.e.* roughly the area within a ten-mile radius from the City of Adelaide.

The Board consists of two members appointed by the local governing authorities within the Metropolitan Area and two Government nominees. One of the latter is Chairman of the Board and has a casting as well as a deliberative vote.

The licence fee for a motor omnibus plying for hire on a regular route is at the rate of £2 10*s*. per annum for every passenger which the vehicle is licensed to carry.

The Board has full power to prescribe routes, time-tables and fares for all motor omnibuses under its control.

South Australian Railways Commissioner.—Act No. 1773 empowers the South Australian Railways Commissioner to purchase and construct motor vehicles and operate them for maintaining passenger and goods services.

Highways.—Act No. 1769 provides for the appointment of an official known as the Commissioner of Highways who is charged with the duty of constructing and repairing the main roads of the State. In performing his functions under the Act the Commissioner is empowered to act independently of ministerial control.

The Act provides that the annual revenue to be received from year to year from taxation and licensing of motor vehicles and horse-drawn vehicles and all other moneys whether from loans or general revenue appropriated by Parliament for main roads are to be paid into a Main Roads Fund. This Fund is placed under the sole control of the Commissioner, who is empowered to determine on what roads and works it shall be spent. He must, however, from the money in the Fund pay interest and an annual sinking fund contribution of 1¼ per cent. on all loan money credited to the Fund.

Legal Practitioners (Trust Accounts).—Act No. 1756 requires every legal practitioner who receives money for or on behalf of any client to pay it into a general or separate trust account at a bank, and empowers the Judges of the Supreme Court to make rules providing for an annual audit of such trust accounts and matters incidental thereto.

Trustee (Disposal of Church Land).—Act No. 1743 enables trustees holding land in trust for a church or any purpose in connexion with a church to sell, mortgage or lease that land although the deed or other instrument creating the trust does not enable them to do so or even forbids it. The Act also enables any incorporated association holding land upon trust or otherwise for religious purposes to sell, mortgage or lease the land, although the trust deed or articles or rules of the association do not allow it.

In either case the consent of the members of the church or association must be obtained, and in the latter case the consent of the Attorney-General also.

Notification of Births.—Act No. 1755 provides that notice of every birth is to be given to the Local Board of Health for the district in which the birth takes place within thirty-six hours from the birth.

The object of this provision according to those who sponsored the Bill for this Act in Parliament is to enable certain Child Welfare Associations to become aware of all births as early as possible so that they may help the mothers in the first weeks of the infants' lives.

Hospitals Incorporation.—Act No. 1728 provides a simple method whereby the Board of Management of any unincorporated public hospital may, on petition to the Chief Secretary, become incorporated.

District Councils Act.—The principal object of Act No. 1757 is to enable any District Council, if the ratepayers within its District so desire, to adopt as the base of its rates, the unimproved value of the fee simple of the land within the District.

Prior to the Act a District Council could only base its rates on the annual rental values of the land within its area; but the Act enables any District Council to take a poll of the ratepayers to determine whether rating on unimproved values shall be introduced. If three-fifths of the ratepayers who vote at the poll, or a majority of all the ratepayers on the roll vote for the proposal, the Council may introduce the new system.

State Bank.—In 1925 the State Bank Act was passed which established a Government Bank. The bank was empowered to transact the general business of banking, subject to the limitation that it could only make loans by way of overdraft to "the following persons and no others, namely agricultural, pastoral, rural or primary producers or persons carrying on the industries of treating, processing, packing or making more marketable any kind of primary produce, or associations, societies or pools which are formed for the main purpose of undertaking the co-operative manufacture or marketing of rural products."

The bank found that the restriction on its right to grant overdrafts prevented many persons who would otherwise have become customers from opening accounts, and by the present Act (No. 1748) Parliament grants the bank a general power to transact business with any person.

Supreme Court.—Act No. 1739 empowers the Judges of the Supreme Court to make general rules applicable to any jurisdiction of the Court, and gives the Supreme Court a general power to determine all questions of costs, including the persons by whom costs are to be paid. It had previously been held that the Supreme Court Act, 1878, did not authorize the Court or a Judge to order costs to be paid by any person who before that Act was passed could not have been ordered to pay them.

1927.

During the Session of 1927, sixty-four Acts were passed by the Parliament of South Australia. Of these the following are the only Acts which introduced new principles of general importance.

Juries.—Act No. 1805 consolidates and amends the law relating to juries. The amendments are important.

Firstly, juries in civil cases in the Supreme Court are abolished, except in any case where there is an issue to be tried involving the question whether either of the parties has been guilty of an indictable offence. In such a case a jury may be ordered by a Judge on application made.

Secondly, in criminal cases other than capital cases, the verdict of ten members of the jury of twelve will be treated as the verdict of all, if after four hours' deliberation the jury cannot agree. Formerly complete unanimity was required in all cases.

Thirdly, the distinction between special and common juries is abolished.

Fourthly, the law relating to the property qualification of jurors is altered so that in future the property qualification for service as a juror will be the same as that of a Legislative Council elector. Under the law

prior to the Act now under consideration any male person owning or occupying property of the annual value of not less than £20 was liable to serve as a juror. Under the Act every male inhabitant occupier of a dwelling-house will be liable to serve as a juror, and in addition any male person who, though not an inhabitant occupier, resides in the State and owns freehold land worth £50, leasehold worth £20 a year, or a Crown Lease with £50 worth of tenant's improvements thereon.

Consequent on this last alteration, the Act provides that the jury lists are to be prepared from the Legislative Council electoral rolls.

Fifthly, the number of jurors who may be peremptorily challenged is reduced from six to three.

Criminal Law.—This Bill provides that any person who kills another by negligent driving on a highway may be charged with that offence in lieu of manslaughter or murder, and if found guilty may be sentenced to imprisonment for any term not exceeding seven years, to a fine not exceeding £250 or to both imprisonment and fine.

The Act (No. 1804) leaves it open to the prosecution to proceed in such cases on a charge of murder or manslaughter, if that is desired.

Coursing Restrictions.—Act No. 1816 prohibits the sport popularly known as "tin-hare racing," *i.e.* the racing of dogs after a mechanically propelled quarry.

Land Agents.—Act No. 1807 contains a number of provisions designed to prevent fraud and dishonesty in connexion with the sale of suburban blocks of land. The more important provisions relate only to what is popularly called "subdivided land," *i.e.* vacant allotments of city or suburban land shown on a plan of subdivision deposited in the Lands Titles Registration Office.

The following provisions are enacted regarding "subdivided land": (*a*) It is an offence punishable summarily with imprisonment up to twelve months to make a false representation which is likely to induce any person to buy subdivided land. (*b*) Any person is guilty of an offence similarly punishable who in order to induce any other person to purchase subdivided land promises the resale of that land, or the sale of any other land or chattel owned by the prospective purchaser. (*c*) The Act requires that every contract for the sale of subdivided land shall be in writing and shall set out (*inter alia*) the name, address and description of the vendor, and of the registered proprietor of the land, and of some person to whom all moneys due under the contract may be paid, and shall if the consideration is more than £500 be executed before two witnesses neither of whom shall be the vendor, the vendor's agent nor any person employed by the vendor's agent. A contract which fails to comply with these provisions may be avoided by the purchaser at any time within six months from the making thereof. (*d*) In any action for fraudulent misrepresentation in connexion with the sale of subdivided land the onus is placed on the defendant of showing that he was not aware of the falsity of any false representation made by him.

The Act also provides that the Governor may make regulations requiring all land salesmen to be registered and to enter into a bond containing any conditions which the Governor thinks fit to prescribe.

Motor Transport Control.—Act No. 1820 was passed in the interests of the State Railways. It establishes a Motor Transport Control Board consisting of the Railways Commissioner or his nominee, the Highways

Commissioner or his nominee, and a representative of the motor carriers selected by the Government.

The Act requires every person who carries goods or passengers for hire or reward to obtain a licence from the Board. No fee is chargeable for a licence, but in general the Board can refuse to grant a licence to any applicant.

A carrier in business on December 1, 1927, will, however, be entitled as of right to licences for any vehicles used by him in his business at that date and to the transfer of his licences to any other vehicles acquired by him in substitution for those vehicles.

The Board is also empowered to fix fares and routes for all licensed vehicles.

Public Works Standing Committee.—Act No. 1795 establishes a Parliamentary Standing Committee on Public Works consisting of seven members of Parliament. The members of the Committee hold office for five years or until they cease to be members of Parliament and are paid salaries, the Chairman receiving £400 per annum and members £250 per annum in addition to their Parliamentary salaries.

All public works estimated to cost more than £30,000 when complete must be inquired into and reported upon by the Committee before any Bill authorizing the construction thereof or appropriating money therefor can lawfully be introduced into Parliament.

4. TASMANIA.

[*Contributed by* H. J. Solomon, Esq., LL.B.]

In the session 18 Geo. V of the Parliament of Tasmania, 103 Acts were passed. As usual, a large number of these were Public Works Execution Acts, Road Repair and Construction Acts and Lighting Acts for country municipalities in connexion with the extension of the State Hydro Electric Scheme. Several other Acts deal with the finances of the State—including Acts to increase the salaries of Members of Parliament and Ministers of the Crown.

Some of the more important of the remaining Acts are summarized below.

Registration (Survey Plans). — No instrument affecting any land delineated on a survey plan made after the commencement of the Act (No. 4) shall be filed until the survey plan has been registered. And all instruments affecting such land must in their description refer to such plan. Registration may be effected either by depositing the original plan or a certified copy.

Public Service.—Act No. 18 provides (*inter alia*) for the keeping of a supernumerary list on which are entered the names of persons temporarily removed from office, *e.g.* by the abolition of the positions they previously held. Such persons are entitled to priority on the filling of a vacancy of not higher status than the office abolished. New provisions are also made as to appointments to and retirement from the service.

State Tourists' Accommodation Houses.—The Commissioner of Railways is authorized by Act No. 27 to acquire the lease of any houses or lands to carry on Tourists' Accommodation Houses. Moneys received are paid into the consolidated revenue.

Aid to Mining.—By Act No. 47 the Minister for Mines is empowered to grant financial assistance to prospectors approved by the Director of

Mines. Such prospectors have a preferential right to a lease of the land where they discover minerals.

Tasmanian Government Officers' Salaries Attachment.—By Act No. 52 a new procedure is prescribed for attachment of such salaries. A notice of judgment is served on the paying officer of the Department in which such officer is employed. The paying officer notifies the debtor, and unless the debtor satisfies him that the amount has been paid, deducts such sums as he thinks fit from the debtor's salary until the amount is paid.

Workers' Compensation.—By Act No. 82 an employer is made liable for injuries to workmen caused by and arising out of their employment, unless such injury is caused by the worker's own serious and wilful misconduct. The amount of liability is limited in the case of death to £500 and in other cases to £600. The Act is without prejudice to the ordinary civil rights of the injured man.

Companies.—Act No. 89 prohibits persons from going from house to house offering shares for sale to the public. Restrictions are also placed on the offering of shares for sale in writing.

5. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C., *and* S. H. Zichy-Woinarski, Esq., M.A., LL.B.]

First Session of Twenty-ninth Parliament; Acts passed—77.

Apprenticeship.—Advancement in mechanical appliances may have reduced the need for skilled workmen, and so perhaps rendered less pressing the necessity for apprenticeship, yet as there are trades unaffected by such advancement and as the output of skilled workmen produced as a result of the large annual expense of technical education in Victoria has been disappointing, the question of apprenticeship remains an important one. After long discussion this Act (No. 3456) was passed which establishes an Apprenticeship Commission of Victoria of five members, namely (*a*) one member, being a competent and impartial person of proved administrative ability, and with a general knowledge of industrial matters and with teaching experience in a technical school who shall be appointed as the president (and be entitled to be paid a salary); (*b*) two members appointed as representing employers and nominated by the body known as the Victorian Chamber of Manufacturers; and (*c*) two members appointed as representing employees and nominated by the body known as the Trades Hall Council of Melbourne.

Every appointer is appointed for not more than three years, but is eligible for reappointment. The President must preside at every meeting of the Commission and has both a deliberative and if necessary a casting vote. The Commission has to submit an annual report of its proceedings to the Minister (ss. 7–9).

S. 2 defines "apprenticeship trade" as a skilled trade proclaimed, pursuant to the Act, to be an apprenticeship trade so far as the same is carried on within the metropolitan district or within any other district to which the provisions of the Act are extended as hereinafter provided (*i.e.* by proclamation by the Governor in Council).

S. 13 requires the Commission to recommend to the Minister as to the trades to be proclaimed apprenticeship trades—and it specifies the procedure to be followed to that end:

The Commission is to publish in the *Government Gazette* notice of, and cause a copy of the notice to be forwarded to organized bodies of employers and employees, and take such other steps as it deems advisable to intimate its intention to make such recommendation; and it has to set out in such notice: (i) a list of any trades which it proposes to include in the recommendation; and (ii) a date before which representations may be made to the Commission by or on behalf of employers and employees in any such trade whether for or against such trade being included in the recommendation. The Commission after considering any such representations may recommend that all or any of the trades or any branch or branches of such trades set out in the said notice be proclaimed apprenticeship trades and shall forward its recommendation to the Minister. Thereupon the Governor in Council may from time to time proclaim any trades to be apprenticeship trades to which thereupon Part II of the Act shall apply.

Before considering these provisions as to apprenticeship trades it is necessary to notice that the Act provides also for the appointment of Trade Committees and also of Advisory Committees. S. 11 requires the Commission wherever practicable to appoint a trade committee for (i) any group of apprenticeship trades; or (ii) any one such trade if it is impracticable to include it in a group of such trades.

The members of every trade committee shall be members appointed in equal numbers as representing employers and employees respectively and nominated by organized bodies thereof. They shall also be persons actually engaged in the apprenticeship trade or any group thereof concerned. The President of the Commission is *ex officio* chairman of every trade committee, but has no deliberative vote at any trade committee meeting, but in the event of equal division of votes he has a casting vote. The Commission has power to delegate to any trade committee such of the powers and duties of the Commission as it thinks fit and revoke any such delegation. The trade committee exercises all such powers and duties as are delegated to it, and also such other powers and duties as are prescribed.

S. 12 enables the Commission to appoint advisory committees for any apprenticeship trade or group of trades so far as it is carried on in any district to which the Act applies other than the metropolitan district, such advisory committees shall have and may exercise all such powers and duties as are prescribed.

Now as to the provisions of Part II, which are applicable only to apprenticeship trades.

S. 15 requires the Commission and every trade committee and every advisory committee to endeavour as far as practicable to promote apprenticeship or apprenticeship trades up to the limit prescribed for each such trade.

S. 16 sets forth the general powers and duties of the Commission: (*a*) to exercise a general supervision over the theoretical and practical training of apprentices; (*b*) to ascertain the character and scope of the practical training afforded to apprentices; (*c*) to ascertain by practical or written or oral examination, or by inspection of his work or reports furnished by the employer or otherwise, the degree of proficiency of any apprentice; (*d*) to issue grade or progress certificates to apprentices who have attained prescribed standards of proficiency; (*e*) to issue a final certificate to an apprentice who has completed his term and has

attained the standard of education and trade experience prescribed for his apprenticeship course; (*f*) to recommend to the Minister the remission of school fees in respect of inmates of any orphanages or orphans who may become apprentices.

The Commission for the purpose of any examinations or inspections is to have regard to the results of examinations conducted by inspectors made under the control of the Education Department.

S. 17 deals with the number of apprentices to be employed. It requires the Commission (after investigation and having regard to reports from any trade committee concerned) to prepare draft regulations as to (*a*) the proportionate number of apprentices to be employed in each apprenticeship trade to the number of journeymen employed in that trade; or (*b*) the proportionate number of apprentices to be employed by any employer in each apprenticeship trade to the number of journeymen employed in that trade by such employer, and the Governor in Council may thereupon make the necessary regulations.

S. 19 (1) requires all apprentices to be bound by indentures, but is not to operate to prevent the employment on probation of any applicant for apprenticeship for a period not exceeding six months to determine his fitness or otherwise to become an apprentice, and during such period the applicant is to be paid wages at the rates payable to apprentices in the first year in that trade, and if at the expiration of such period the applicant is bound by indentures such period is to count as part of the term of apprenticeship; (2) binds an apprentice who is a party to any indentures throughout the currency thereof notwithstanding he may have attained the age of twenty-one years, and in the case of a female apprentice who marries before the expiraton of the currency of the indentures, ends the indentures on the date of the receipt by the employer of notification signed by her of such marriage; (3) a parent or guardian of an apprentice who is a party to indentures is bound thereby until the apprentice attains the age of twenty-one years or the sooner expiration of the currency of the indentures and no longer; (4) makes the following provision where the necessary certificates are not obtained during the currency of the indentures: (*a*) the apprentice may with the approval of the Commission and the consent of his employer continue in the employment of the employer for such period as is specified by the Commission under the like conditions and with the like rates of pay as if the indentures were in force, and if within the period so specified he complies with the requirements necessary for obtaining a final certificate such certificate may be granted.

S. 22 establishes an apprenticeship register kept under the direction of the Commission, and all indentures must be registered by employers. The following are the general provisions as to indentures (ss. 20–21): (1) The terms of apprenticeship shall be as prescribed; (2) indentures are to be in triplicate and in the prescribed form; (3) the parties are to be the employer, the apprentice and the parent or guardian of the apprentice (unless the Commission dispenses by endorsement on the indentures consent to their being executed by employer and apprentice only); (4) they are not to be deemed invalid by reason only of not being under seal; (5) they are not to be assigned except by the order or with the approval of the Commission; (6) they may be cancelled by mutual consent subject to the approval of the Commission, and when cancelled the employer and the parent or guardian to notify the registrar

thereof. The Commission is also empowered to cancel indentures if in its opinion special circumstances exist which warrant that course.

By s. 24 apprentices are entitled to be paid such rates of pay in each year and such increased rates for proficiency as are prescribed. He is not entitled to be paid in any year such increased rate for proficiency unless he has attained in the next preceding year the standard of proficiency prescribed for that year. Certain powers of extension of time are given to the Commission on failure of apprentices to attain prescribed standards, including cancellation of the indentures and permitting apprentices to be appointed to another trade.

By s. 26 apprentices are required to attend such classes as are prescribed, or if such classes are not available shall obtain instruction (by correspondence or otherwise) as is prescribed, and it is made the duty of the employer during the first two years of the course to allow his apprentice reasonable time (not exceeding four hours per week) for the purpose of attending such classes or such instruction. All time lost by reason of compulsory military or naval training counts as part of the apprenticeship, and the employer is entitled when an apprentice is absent without leave to deduct from the wages of the apprentice an amount equivalent to the time lost.

The Commission is to determine any question or difference arising between employer and apprentice touching the indentures or anything contained therein or the construction or operation thereof, or any rights, duties or liabilities of employer or apprentice, and every indenture is to contain a condition to that effect (s. 28). If it determines that any terms, covenants or conditions were broken by the apprentice it may cancel the indentures or order performance of his duties by the apprentice with or without forfeiture of so much of his wages as it thinks fit. If, on the other hand, it determines that there were breaches by the employer, it may cancel the indentures or order that they be assigned to another employer, and may refuse to permit the first-mentioned employer to take a new apprentice for any given period. These powers of the Commission may be exercised by the President subject to such terms as the Commission thinks fit, and none of these powers may be delegated to any trade committee (*ib.*).

An apprentice may be transferred from one employer to another by the Commission with the consent of the parent or guardian of the apprentice and upon application of the employer (s. 29). On the death or retirement of any partner indentures are deemed to be assigned to the surviving or continuing partners, and on the sale of a business, unless the Commission otherwise determines, the indentures of any apprentice shall be deemed to be assigned to the purchaser of the business (s. 30). Restrictions are imposed upon the employing of improvers in any apprenticeship trade by forbidding it, except with the approval of the Commission on such terms and conditions as it thinks fit. The Act prohibits the demanding or receiving any premium, fee, gift or reward for taking an apprentice in an apprenticeship trade or the inducing or attempting to induce any other person to take an apprentice in an apprenticeship trade (ss. 31–2). The act penalizes the employment of apprentices at a lower rate of pay (including increased rates for proficiency, if any) than the rate of pay to which he is entitled—or their employment in excess of the number allowed, and also any breach of the Act or of a proclamation or of an Order in Council or of any order or determination of the Commission,

and all proceedings against offenders are to be directed by the Minister (ss. 33–5).

A power of entry at all reasonable times to any place where apprentices, improvers or journeymen are employed is conferred on the President of the Commission or any inspecting officer authorized in writing by the Minister (s. 37).

Finally the Act provides for regulations to be prepared by the Commission for submission to the Governor in Council for or with respect to: (*a*) any matters relating to the constitution of trade committees and advisory committees, the number of members thereof, the qualifications appointment removal and term of office of members thereof and the powers duties and procedure thereof: (*b*) applications by persons desiring to become apprentices in apprenticeship trades; (*c*) the preparatory education required in the case of each apprenticeship trade in order to qualify a person to enter into apprenticeship in such trade; (*d*) the minimum ages at which persons shall enter apprenticeship trades; (*e*) the apprenticeship course required in the case of each apprenticeship trade or part thereof setting out the standards of education and trade experience necessary for that course; (*f*) defining localities within which attendance at classes for instruction in the subjects of any apprenticeship course is to be compulsory and if such classes are not available prescribing what other instruction in subjects of the apprenticeship course (whether by correspondence or otherwise) is to be compulsory; (*g*) attendance by apprentices at classes for instruction in subjects of the apprenticeship course in localities within which such attendance is compulsory; but so that the number of hours during which an apprentice or applicant for apprenticeship employed on probation shall be absent from work shall not exceed an average of four hours per week during any prescribed period; (*h*) providing a scheme for scholarships or bursaries for apprentices or for payment of school fees of apprentices; (*i*) prescribing in the case of each apprenticeship trade the term of apprenticeship to be provided in indentures of apprenticeship and standard forms of indentures of apprenticeship and the terms covenants and conditions thereof including probation; (*j*) providing for the cancellation of indentures, the assignment of indentures, the registration of indentures and of any assignment or cancellation thereof; and (*k*) prescribing—(i) the rates of pay (including overtime rates) to be paid to apprentices in each apprenticeship trade as wages in each year of their apprenticeship course; and (ii) increased rates to be paid in each year (other than the first year) to apprentices who have attained prescribed standards of proficiency.

For the purpose of the preparation of any draft regulations—(*a*) except in the case of draft regulations under paragraph (*a*) the Commission shall confer with any trade committee concerned; and (*b*) in the case of draft regulations dealing with matters relating to the general or technical education of apprentices in apprenticeship trades the Commission and any trade committee concerned may confer with such officers of the Education Department as are nominated by the Minister of Public Instruction (s. 38)

Betting (Mechanical Coursing).—Act No. 3538 prohibits betting or wagering in connexion with the coursing of dogs with a mechanically or electrically controlled quarry. "Bet" is defined to include wager; "coursing" includes the competitive pursuit by dogs of any mechanically controlled quarry, and "mechanically controlled quarry" any

device, contrivance or object mechanically or electrically controlled or propelled. Any person who bets or offers to bet or pays or offers or promises to pay any bet thereon is made guilty of an offence and liable to a minimum penalty of £20 with a maximum penalty of £100, alternatively to imprisonment for not less than fourteen days, nor for more than three months.

Business Names.—No. 3543 provides for the registration of firms and persons carrying on business under business names by repealing the existing provisions contained in the Partnership Act, 1915, Part II, and substituting, with some modifications, the provisions of the Act 6 & 7 Geo. V, c. 58.

In aid of and not in derogation of similar provisions in the Companies (Names) Act, 1926, it restricts the use in the registration of any firm under a business name of " Royal," " King," " Queen," " Crown," " Empire," " Imperial," " Commonwealth," or any word signifying Royal or Government support or patronage (s. 21). It prohibits any person or firm not incorporated using the word " Saving," or " Savings," " Savings Bank," " Savings Department," etc., as part of the name, etc., or description of their businesses (s. 22). It prohibits any person or firm not incorporated using the word " bank," " banker," " banking company," etc., in connexion with the trade or business title of such person or firm (s. 23). It prohibits any person or firm not incorporated using the word " co-operative " in connexion with the trade or business title of such person or firm (s. 24). It prohibits the use of or registration under any business name by any person or firm identical with the name of any firm, company or society already registered or so closely resembling that name as to be calculated to deceive, or under any other business name likely to mislead the public (s. 25). Lastly it provides for change of name by any firm which is already registered under any business name prohibited by this Act (s. 26.)

Commonwealth and States Financial Agreement.—No. 3554 approves of an agreement between the Commonwealth of Australia and the six States of the Commonwealth in respect of the adjustment of the financial relations of the Commonwealth and the States; and provides that the Act shall not come into operation until a proclaimed day after the Commonwealth and all the States have passed an Act approving of the said agreement (ss. 2–4).

It provides that all Acts relating to the matters dealt with in this Act and the agreement are to be read subject to this Act and the agreement and that payments into sinking funds and redemption funds established in the Treasury are to be discontinued during the operation of the agreement (s. 6).

S. 7 authorizes the Governor in Council to make proclamations to be laid before Parliament, affecting Acts and enactments, etc., to provide for the carrying into effect of the object of this Act and the agreement.

The remaining sections are provisions relating to public finance in Victoria consequent upon and rendered necessary by the provisions of the agreement.

The agreement is set forth as a schedule to the Act. It provides (*inter alia*) for the temporary adoption of certain of the provisions of the agreement for the period from July 1, 1927 to June 30, 1929, pending submission to the electors of a proposed law for the alteration of the Constitution of the Commonwealth, which will confer on the Parliament

of the Commonwealth power to make laws for giving permanent effect to the provisions of the agreement. It provides for an Australian Loan Council, which shall arrange for all future borrowings for and on behalf of the States and the Commonwealth; for the taking over by the Commonwealth of the public debts of the States; for annual payments for a period of fifty-eight years by the Commonwealth to States in lieu of the *per capita* payments to the States; for the payment by the Commonwealth to the States of interest on amounts which are fixed as the value of property which was formerly owned by the States, but which became vested in the Commonwealth under the Constitution Act; for the payment by the Commonwealth and the States, in respect of the public debt and of the future loans of the States, for sinking fund contributions to the National Debt Commission constituted under Commonwealth law, and for the actions to be taken by the Commonwealth to submit to Parliament and the electors the proposals for the alteration of the Constitutions of the Commonwealth which are set out in the agreement and deemed necessary to enable the Commonwealth Parliament to make laws to carry out the provisions of the agreement with respect to the public debts of the States.

Cultivation Advances.—No. 3551 follows on the lines of previous Acts to assist certain farmers in those parts of the State where drought conditions have prevailed and where their returns will be insufficient to obtain seed for next season's crop or who have no hay for fodder. Under the previous Acts sums amounting in all to about £750,000 were advanced, and with the exception of about £3,000 were all repaid by the settlers.

The Governor in Council is authorized by this Act to raise a sum of not exceeding £500,000 by the issue of Victorian Government Stock (s. 13).

In cases where the Minister is satisfied that through the existence or consequences of drought or other adverse climatic conditions any cultivator would not be able without an advance (*a*) to fallow or crop his farm or a reasonably sufficient area thereof; or (*b*) to effect the necessary improvements thereon; or (*c*) during the period after the harvesting of the next crop, to continue working or residing on the farm, he may during the period ending December 31, 1928, grant an advance, bearing interest at 6 per cent. (i) of such quantity of seed or fodder or manure or building or fencing materials or some or all of them; or (ii) of such amount of money as he thinks fit for effecting necessary improvements such as the erection of buildings or fences or clearing the land or sinking tanks or dams thereon or for the sustenance of the cultivator and his dependents while work on fallowing or on cropping or on improvements is being done by him (s. 3).

In every case a preferable lien on the 1928–9 crop must be given and such other security as the Board of Land and Works determines, and if the Minister so determines repayment may be made by equal instalments payable from the 1928–9 harvest and the two succeeding harvests (s. 4).

Where the land or improvements of a cultivator is or are subject to any existing mortgage no advance will be made unless the consent of the mortgagee is first obtained and any mortgage to the Board to secure an advance is to have priority over other mortgages (s. 5).

If a cultivator is unable to give security by way of a mortgage or the mortgagee refuses his consent to an advance being made the Minister

may still make the advance on the security of a preferable lien on the crop (s. 6).

In the case of share and tenant farmers the advance is limited to the amount of £300 secured by a preferable lien on the 1928–9 harvest (s. 7).

A preferable lien over the crop, whether sown at the time of giving the lien or not, is to be as valid and effective as if it had been given over a growing crop; and where the repayment of the advance is spread over three harvests the agreement relating thereto may be embodied in one document and a preferable lien be registered to cover the three harvests, and power is also given to include in the security taken any sum owing on any previous advance, without interest, still remaining unpaid (s. 8).

A further protection to the Board is that no person will be able to seize or distrain any crop (whether growing or harvested) or eject the cultivator during the period for which a preferable lien is given, unless he first pays to the Board the total amount due by the cultivator (s. 10).

Repayments are to be paid into the Victorian Loan Redemption Fund, and any loss is to be a charge upon the consolidated revenue (s. 11).

Dried Fruits.—No. 3562 amends the definition of "dried fruits" to include "fruits" which are completely dried or in the process of being dried; authorizes the Minister of the Victorian Dried Fruits Board to exercise any powers conferred on him or it by any Act of Parliament of the Commonwealth relating to dried fruits; and empowers the Minister upon the recommendation of the Board to determine from time to time, by public notice, what proportion of the output of any dried fruits in any year is to be marketed outside the Commonwealth.

Electoral (Absent Voters).—No. 3525 provides for voting by voters who during the hours of polling on any polling day are absent from the subdivision on the roll of electors for the Legislative Assembly for which their names are inscribed, at any polling place in any other subdivision.

The person tendering such vote must answer certain questions put to him by the returning officer or his deputy, and if such officer is satisfied from the answers that such person is entitled to vote he fills in on a ballot-paper the name of the district for which the voter declares he is entitled to vote and is enrolled and delivers it to the voter (after the voter has made a declaration in the prescribed form), who votes and folds his ballot-paper in the prescribed manner and returns it folded to the officer, who in the presence of the voter and the scrutineers encloses it in an envelope addressed to the returning officer for the district for which the voter is enrolled and seals it and deposits it in the ballot-box and it is therefrom transmitted, unopened, to the returning officer for the district for which the voter declares that he is enrolled, and such last-mentioned officer examines, counts and deals with all ballot-papers of absent voters and at the conclusion of the count of votes of absent voters encloses in a separate packet all absent voters' ballot-papers and envelopes containing the same and forwards the packet to the clerk of the Assembly.

Factories and Shops.—No. 3573 contains no new principle, but amends in various ways existing legislation. Some of the amendments are in regard to health and safety. Premises are to be registered as factories where one or more persons are or is employed in preparing or manufacturing goods made of bamboo or any substitute therefor; or where one or more persons are or is employed in mixing or pasting or smelting in connexion with the manufacture or repair of electric accumulators or where electricity is mechanically transformed; or where any confec-

tionery or cereal food for human consumption is prepared or manufactured for trade or sale (s. 2).

Provision is made for ventilation by fan in factories where the Minister is of opinion that dust, gas, vapour or other impurity is being inhaled to an injurious extent (s. 5).

Guards are to be provided for every chaff-cutting machine (whether the machine is in a factory or not) and the operating of a chaff-cutting machine without a guard is penalized (s. 7).

Guards are also to be provided for any machinery used for the purpose of the construction of any building and the Minister may by order direct any steps to be taken by persons temporarily using such machinery that he deems necessary to prevent the occurrence of accidents or may direct that any such machinery shall not be used at any specified place or places (s. 8).

First-aid appliances are required to be kept where machinery is running (s. 28).

Some of the amendments deal with the Saturday half-holiday and the closing hours of shops. Wherever the Saturday half-holiday is in operation there will now be no means of change except by legislation. Outside the metropolitan district some places have Wednesday afternoon as the weekly half-holiday, and some places have Saturday afternoon, and if the shopkeepers in any town or district decide to adopt the Saturday half-holiday for the Wednesday they cannot alter it to any other day (s. 10).

Hairdressers and tobacconists in provincial cities and adjoining boroughs are to have the Saturday afternoon as holiday, but hairdressers and tobacconists outside those areas may choose Wednesday or Saturday afternoon for the half-holiday (s. 11). Hairdressers' shops and tobacconists' shops within the metropolitan district are to close at seven o'clock (s. 15). The Act fixes the hours during which farriers' workshops are to be closed and kept closed, and it also prohibits billposting between the hours of 6 p.m. and 6 a.m. Then there are amendments dealing with Wages Boards. Their powers are extended by s. 21, which enacts that any Wages Board when dealing with any question not covered by the power conferred upon Wages Boards by the Factories and Shops Acts may, by a unanimous decision of the Board, including the chairman, determine any matter whatsoever with respect to conditions of employment in any trade or branch or branches thereof or in any group or groups of trade which for such Board has been appointed.

Determinations of Wages Boards are not to apply to inmates of any institution conducted in good faith for religious or charitable purposes with a proviso in regard to laundry work done in such an institution which by unduly low charges is unfairly competing with other competitors, and in which case the Minister, being so satisfied, the Governor in Council by order may make the determination of the Wages Board applicable to such institution. Finally the Act has some minor amendments, *e.g.* increasing the penalty for late trading to a maximum of £50 (s. 33); directing that a registered chemist who on request has dispensed a prescription after the hours fixed for closing shall not thereby be deemed guilty of an offence unless the door of the shop is left open or unfastened during or after the dispensing of such prescription (s. 38), and requiring time-books to be kept by employers in any trade subject to the Bread Board or the Country Bread Board (s. 26).

Fallowing Advances.—The laying down of a twelve months' fallow preceding a wheat crop is regarded as fundamental for the successful production throughout the wheat belts of Australia as fallow enables moisture to be caught and conserved in the fallow year and to be carried forward to augment that which falls in the year in which the crop is grown. This Act (No. 3510) permits of advances being made by the Government (nominally the Board of Land and Works) to the owners or occupiers of land used for growing any crop (in the main to recently settled farmers in the Mallee) to buy fodder for their horses employed in fallowing land. "Fallowing" is the ploughing of land during the period from July to November 1927, as a first preparation for sowing such land with wheat or oats during the period from March to July 1928 (s. 2).

A sum of £10,000 is the total so to be advanced (s. 10). An advance is not to exceed 5*s*. per acre; is to be repaid in one amount or in instalments as the Minister thinks fit, with 6 per cent. interest added, and is to be secured by a preferable lien on the crop which is to be a first charge on the crop and with priority over every other lien or encumbrance whatsoever (ss. 3–6).

An advance constitutes also a debt due to the Board by the farmer and may be enforced at any time after the harvesting of the crop (s. 7), and whilst the crop is growing the crop cannot be distrained nor can the farmer be ejected unless the mortgagee or landlord first pays to the Board the total amount due on the advance (s. 8).

Forests.—No. 3549 is, in the main, an amending Act. The acreage under forestry in Victoria is about 3,500,000, and there is need of some amending legislation. Before noting the amendments, its new provisions are these: (*a*) Upon the certificate of the Board of Land and Works and the Forest Commission that the exchange of lands is desirable in the public interest and upon the joint application of the Minister of Forests and the Commissioner of Crown Lands Survey, the Governor in Council is empowered without the special authority of an Act of Parliament other than this Act by order, to exchange for any unoccupied Crown land an area of reserved forest land. On the publication of the Order in the *Government Gazette* (i) the area of land in the reserved forest shall be excised from the reserved forest and be deemed to be and may be dealt with as unoccupied Crown land; and (ii) the unoccupied Crown land for which the land in the reserved forest is exchanged shall be deemed to be dedicated as a permanent forest (s. 2). (*b*) Power is given to the Governor in Council, on the report of the Commission, where owing to climatic conditions or otherwise there is a serious danger of fire or the spread of fire, to declare any specified portion of any period of twelve months to be "a proclaimed period" or any specified area of Victoria to be "a proclaimed area" and to prohibit therein fires in the open air, except in such positions as regulations or rights prescribe, under penalty of imprisonment up to two years or to fine up to £200 or to both imprisonment and fine. But this is not to apply to the industry of charcoal burning in properly constructed retorts on private property where proper notice of intention to burn has been given to the Commission and fire-bricks have been properly prepared (s. 7). (*c*) Saw-millers are required to make returns to the Commission of the output of timber of all classes and species—information that is necessary for statistical purposes (s. 8). (*d*) The Commission may ap-

point forest officers to sell forest produce without having obtained an auctioneer's licence (s. 10). (*e*) Powers of entry on any building or on any land are given to officers of the Commission at all reasonable times for making inspections as to fire prevention or extinction, or as to the spread of destructive pests, etc. (s. 12). (*f*) The existing powers of the Commission to construct tramways into forest reserves and to grant permits for use thereof are extended to include a permit to any person occupied in obtaining, utilizing or converting forest produce (s. 17). (*g*) Fuller provision is made for the proper construction and maintenance of all forest tramways and licences or permits to use them —in particular, for the safe and proper construction and working of them, for the transport thereon of forest produce or any commodities, for the time-tables to be used and the rates and charges to be paid, etc. (s. 18). (*h*) Provision is made for supplying, free of cost, trees, plants, and seedlings for use in establishing plantations of forest trees and plants in connexion with State school plantations and for the application of the Forestry Fund towards meeting the cost of establishing such plantations. And the council of any municipality may apply any portion of the municipal fund for the purposes of any such plantation situate within the municipal district, or, with the consent of the Governor in Council, situate outside the said municipal district (s. 22).

Supplementary provision is made in the next succeeding section as to the constitution of the committee of management of land reserved for forest plantation for State schools, viz. those holding the office of (i) chairman of the school committee for the State school concerned, (ii) head teacher of such school, (iii) inspector of schools for the school district, and (iv) two other persons nominated by the Minister of Public Instruction. Such committee is empowered to sell, etc., the timber produced and expend the proceeds for such school purposes as are approved by the Minister of Public Instruction.

The main amendments to the principal Act are as follows: (*a*) The limit of £2,000 as the amount to be spent in any one year to purchase private land for forest purposes is extended to the sum of £15,000 (s. 3). (*b*) The maximum area for a saw milling lease is extended from 3,000 to 7,000 acres (s. 4). (*c*) The term of a licensee of Crown land within a reserved forest is increased from one to three years, and the area for cutting timber is increased from 640 acres to 5,000 acres (s. 5). (*d*) Provision is made extending the period during which restrictions may be placed on lighting of fires in forests to an additional month or months before November and after March as the Governor in Council may by order declare. These restrictions may be varied in different parts of the State, in accordance with the climatic conditions. Offenders may be arrested by forest officers or by the police if their names and addresses are not known. Owners of private land within two miles of reserved areas are bound to extinguish fires in dangerously hot weather on their land when required to do so by a forest officer or by police (s. 6).

Harbour Boards.—No. 3560 provides for the establishment of Harbour Boards for Gippsland Lakes and district, Welshpool and district, Warnambool and district, Fort Fairy and district, Portland and district, by enabling the Governor in Council by proclamation to constitute them such and by Order in Council to state (*a*) the amount of money which may be granted to them by the Governor in Council and also the amount they may borrow by way of overdraft; (*b*) assign a corporate

name to the Board; (*c*) describe the boundaries of the port and any unalienated Crown lands which are to be vested in the Board; and (*d*) set out what undertakings, equipment, plant, machinery and property of the Crown is to be vested in the Board (ss. 6–7).

There are, of course, a number of necessary machinery clauses which deal with the membership and election to the Boards and as to the appointment by the Boards of officers and as to the duty and power of such officers (ss. 10–29). But more important are the following provisions.

The Act vests in such Boards the bed, soil and shores of any waters of the port as are within the boundaries of the port, together with all unalienated lands of the Crown as are described in the Order in Council as land to be vested in the Board; the Act vests in the Board also all works, undertakings, equipment, plant, machinery or property of the Crown as set out in such Order in Council (s. 30). It gives to the Board the exclusive management and control of the port and of all shipping, lightships, buoys, beacons, moorings, wharfs, etc., therein and with a duty to preserve and improve the port generally (s. 39). It also specifies certain particular powers that the Board may exercise, *e.g.* cutting banks, constructing docks, etc. (ss. 41 *et seq.*). It gives to the Board power to collect port rates, tolls and charges, and to alter rates (s. 74), and, more important, authorizes it in every year to make and levy in respect of every rateable property within its rateable area a rate to be called the "Harbour District Rate," not exceeding 3*d.* in the £ of the net annual value of such property (s. 81), and it confers in different sections the necessary machinery for that purpose and also for recovery and enforcement of such rates (ss. 83–9). It provides also for loans to such Boards by the Governor in Council, to be charged upon the property and revenue of the Boards and also for further grants by the treasurer to be made from the Consolidated Revenue in relief of the Boards whose revenues prove insufficient—not exceeding in any financial year the sum of £45,000 (ss. 93–8).

As mentioned the Boards have power, in addition, to take overdrafts from any bank not exceeding the sum specified for the purpose in the Order in Council constituting the Board (s. 101).

Highways and Vehicles.—No. 3575 exacts lower fees for registration and renewal of registration of motor-cars which are the property of any Fire Brigades Board and are mechanically equipped for and used exclusively for the purposes of the Fire Brigades Acts or which are the property of any municipality and are used exclusively within the municipal district for making, maintaining, repairing, cleansing and watering streets and roads, and also exempts altogether from any such fees motor-cars which are the property of any body of persons carrying on ambulance services not for private profit (s. 4). It amends the Highways and Vehicles Act, 1924, which restricted the weight of motor-cars and of trailers attached thereto, and of the loads carried thereon, and which provided that if the weight of a motor-car and of its load together exceeded 8 tons it was not to be used on any highway except by special permit to be issued by the Country Roads Board or by a municipal council, and the present Act provides that in the case of a motor-car having less than 6 wheels, if the weight of the car and of the load together exceed 8 tons the car shall not be used on any highway unless by special permit, or, unless during the period of the existing regulation it has been

used exclusively on highways within a radius of twenty miles from the Post Office in the city of Melbourne, in which latter case the total weight must not exceed 10 tons. In any prosecution for any contravention of this restriction it is a defence to establish that the weight of the motor-car and load did not exceed 10 tons and that the motor-car was used exclusively for carrying goods in such circumstances that the carriage thereof could not reasonably be held to have been in competition with the railways of the Victorian Railways Commissioners (s. 5).

S. 6 specifies as one mode of calculating the weight of load of a car carrying passengers a calculation on the basis that the weight of 16 adult passengers is one ton.

S. 7, without affecting any other power or authority to prosecute offenders, empowers officers of the Country Roads Board to prosecute for breaches as to weight and speed provisions on main roads, developmental roads or State highways.

S. 8 extends the power under the principal Act of making regulations to include regulations as to devices for determining axle-loads of motor-cars or trailers.

S. 9 increases the fees for motor-cars carrying passengers or goods for hire, but with a discrimination in favour of the 6-wheeled car as against the 4-wheeled one. A more important discrimination is in favour of motor-cars owned by primary producers and used only for carrying produce to market or to the nearest railway station, or where the motor-car is wholly of Australian or British manufacture or both.

The balance of the Act deals with the prohibition of the use of trailers attached to motor-cars unless they have efficient couplings approved by the police; the prohibition of the use of more than one trailer attached to a motor-car or of the use of any trailer if the motor-car (having less than 6 wheels) exceeds 26 feet in over-all length or of the use of a motor-car (having less than 6 wheels) and which exceeds 27 ft. 6 inches in over-all length, etc., except under a special permit issued by the Country Roads Board or by a municipal council.

Instruments.—No. 3524 amends the law as to bills of sale by dispensing with the necessity of giving notice of intention before filing a bill of sale and by substituting a requirement that every bill of sale must be lodged with the Registrar-General at least fourteen days before the bill is filed by him.

Law Institute.—No. 3518 amends the principal Act so as to enable the statutory committee in non-professional cases as well as in professional cases to find a man guilty of misconduct such as the Courts have been in the habit of regarding as deserving of suspension, striking off the rolls, etc.

"Misconduct" is therefore defined to mean misconduct in a professional capacity or any other conduct in respect of which an application might at the date of the commencement of the principal Act have been made to the Supreme Court by any person to strike a practitioner off any roll of practitioners or to require a practitioner to answer allegations contained in an affidavit (s. 2).

This Act also cures an oversight in the provisions of the principal Act by providing that the continuing members of the Statutory Committee may (provided there is a quorum) act notwithstanding any vacancy in their body (s. 3).

Medical (Dentists).—No. 3569 amends the law relating to dentists and chiefly in the following particulars: (*a*) By requiring the payment of an annual registration fee by persons registered as dentists (s. 4). (*b*) By empowering Dental Board to make regulations with respect to dental practice and conduct, and also for removal after notice given and inquiry made by Board from the register of names of dentists contravening regulations or guilty of disgraceful conduct or for restoring such names to register for such reasons as Board thinks fit (ss. 5 and 6). (*c*) By limiting the persons registered as dentists in the United Kingdom who are entitled to registration in Victoria to those persons who are registered in the United Kingdom as dentists under the Act 41 & 42 Vict., c. 33, s. 6 as amended by 12 Geo. V, c. 21, s. 11 (s. 7). (*d*) By forbidding any dentist to employ in the practice of dental surgery or dentistry any person (except certain holders of permits from the Dental Board) who are not registered as dentists (s. 12). (*e*) By empowering the Board to refuse registration of dentist whose name has been removed from a register for any reason affecting the conduct of such person in a professional respect.

Motor Omnibus (Urban and Country).—No. 3570 makes provision with respect to motor omnibuses carrying passengers for hire in country districts and providing that cities like Ballarat, Bendigo and Geelong shall be licensing authorities and may regulate such traffic within their respective districts, and it has in view also the protection of roads and of the Railway Department by co-ordination and regulation. The Act is divided into three parts. Part I deals with urban motor omnibuses in the cities of Ballarat, Bendigo and Geelong, and within a distance of eight miles from the respective boundaries of the municipal districts. For each such city the municipal council is made the licensing authority to grant or refuse licences for any such omnibus trading within that urban district, and with the approval of the Governor in Council it may make by-laws prescribing routes, sections, time-tables, fares, licences and licence fees, and before making any route it is bound to consider the maximum number of such omnibuses proposed to be prescribed and to be satisfied that the condition of the road is such as to be capable of carrying the traffic, and that there are not sufficient other facilities for the conveyance of passengers to, from or within the area proposed to be served (ss. 7–9). No motor omnibus shall operate (*i.e.* carry passengers) in any urban district unless it is registered as a motor-car and duly licensed and the licensee is bound to maintain a regular service (ss. 10–12). An "Urban District Roads Fund" is established for each district and all licence fees and penalties recovered for offences are to be paid into this fund, and every year the licensing authority is to prepare a statement showing the urban motor omnibus mileage run in the district during the twelve months and forward a copy to each municipality in the municipal district and apply the money to the credit of the fund on September 30 in each year (after deducting cost of administration of the Act) by dividing the same between such municipalities in proportion to the mileage run in their respective municipal districts (ss. 13–14).

Part II deals with country motor omnibuses, *i.e.* stage and touring motor omnibuses; a stage motor omnibus being one operating on a definite prescribed route approved by the Governor in Council and a touring motor omnibus being one which is not licensed for a prescribed route, but operates and tours through different parts of the State..

In regard to both of these classes the Country Roads Board is to be the licensing authority.

By s. 19 the particulars to be set forth in an application for a stage motor omnibus licence are (*a*) the precise route upon which it is intended that the motor omnibus shall operate; (*b*) the proposed sections on such routes; (*c*) the time-tables; (*d*) the fares; (*e*) a description of the types of vehicle to be used; (*f*) the maximum number of passengers to be carried; and such other particulars as may be prescribed.

The Board, before granting the licence, must be satisfied that the condition of the roads on the route is such as to be capable of carrying the traffic without unreasonable damage to the roads, and that there are not sufficient other facilities for the conveyance of passengers to, from or within the district proposed to be served. If the licence is granted, then a regular service is to be maintained in accordance with the licence and any relevant Order in Council or regulation (ss. 18–24).

By s. 26 the particulars to be set forth in an application for a touring motor omnibus licence are (*a*) the tours for which and the routes upon which it is intended that the motor omnibus shall operate; (*b*) a description of the type of vehicle to be used; (*c*) the maximum number of passengers to be carried; and such other particulars as may be prescribed. Before granting the licence the Board has to be satisfied in like manner and in the like particulars as in respect of a stage motor omnibus licence (ss. 26–7).

The Board is authorized to grant permits as well as licences in respect of both classes of country motor omnibuses (ss. 25 and 30).

All fees and fines received by the Country Roads Board are to be credited to the Country Roads Board Fund and the costs and expenses of the Board in administering this Act are payable thereout (ss. 35–7).

The Victorian Railways Commissioners are empowered, with the consent of the Governor in Council, to operate country motor omnibuses on such routes and subject to such conditions as the Governor in Council thinks fit, without obtaining any licence or paying any licence fee, but with a duty to pay into the Country Roads Board Fund a sum equal to the amount which would be payable as fees if the same were payable by the Commissioners, nor are the Commissioners required to take out any policy of insurance in respect of their motor omnibuses (s. 38).

Part III has some general provisions, the chief of which is, apart from the power to make regulations, that the owner of any motor omnibus licensed under the Act must insure himself and at all times keep himself insured against all sums for which he may become liable by way of damage for injury to persons, and the minimum aggregate amount shall be £1,500, provided that where more than 5 motor omnibuses are owned by one owner, the minimum aggregate in respect of all such omnibuses shall be £7,500 (s. 39).

Poisons.—No. 3542 consists of four parts. The first part deals with the sale and purchase of cyanide of potassium and other metallic cyanides generally. The second part deals with methylated spirit. The third part deals with narcotic drugs, and the fourth part contains amendments of the Poisons Acts.

Hitherto the sale of cyanide of potassium was practically unrestricted, but Part I of this Act places considerable restrictions on the sale and purchase of it, but modifies these restrictions in the case of certain sales and purchases for mining purposes or for trade purposes.

S. 5 prohibits the sale of it (whether wholesale or retail) unless vendor is (*a*) a medical practitioner; (*b*) a pharmaceutical chemist; (*c*) a person holding a certificate as a dealer in poisons; (*d*) a person licensed to sell it for mining purposes if sold in quantities of not less than 28 lbs. or to sell it for the purpose of any prescribed profession, business, trade or industry; (*e*) a wholesale dealer who sells it in the ordinary course of wholesale dealing and in accordance with the provisions of this Act; and it also prohibits its purchase by any person (except a person authorized under the section to sell it) to be used for mining purposes or for trade purposes unless he holds a permit and order granted by the Board.

S. 6 brings all other sales of cyanide of potassium under the provisions of the principal Act.

Ss. 7 and 8 deal with the documents and entries to be made on sale of it and with the licences and permits for sale or purchase of it to be used for mining purposes.

S. 9 penalizes contraventions of this part by fines of not exceeding £100 or by imprisonment for not more than six months.

S. 10 confers powers of entry and inspection to persons authorized by the Board.

S. 11 makes the killing or destroying by means of any cyanide any animals, or any insects specified by proclamation (save the killing of rats, mice, vermin, reptiles or noxious weeds), an offence liable to imprisonment for a term of not more than twelve months.

S. 12 renders liable to a penalty persons conveying or forwarding calcium cyanide which is not packed in a hermetically sealed package or persons keeping calcium cyanide which is not securely locked up in a suitable receptacle.

Part II prohibits the drinking or the sale for drinking purposes of methylated spirit (ss. 15 and 16). Such spirit is defined to include methyl alcohol and wood spirit; any other spirit to which any methylating substance has been added, and any potable liquid with which methylated spirit is mixed.

Part III and certain sections of Part IV bring the statute law of Victoria into line with the Imperial legislation contained in 15 & 16 Vict., c. 74 (Dangerous Drugs Act, 1925), which gave effect to the Geneva Convention of 1925 and further into line with the Imperial legislation which gave effect to the International Opium Convention, signed at The Hague in 1912.

Part IV amends the principal Act by providing for the classification of the schedule of poisons in it into three parts instead of two as hitherto; and requires, on the sale of any poison, the word "Poison" in the case of poisons classified in Parts I and II of that schedule, and the word "Caution" in the case of poisons classified in Part III, to appear on the vessel, wrapper, cover, box, etc., containing the poisons. It compels persons who own or are in charge or possession of poison to label the container appropriately according to the classification (ss. 33–4). It authorizes the making of regulations requiring the antidote to a poison to be printed on the package of any poison which is packed for sale (s. 35).

It modifies the requirements of the principal Act relating to entries in books, in cases where poison is sold to medical practitioners, dentists and veterinary surgeons for professional use (s. 36).

It forbids the sale of medicines for internal use in containers similar to those in which poisons for external use are sold (s. 37).

Certain sections make amendments to facilitate the administration of the Poisons Acts, and as pointed out already, certain sections in Part IV are to bring the Victorian law into line with certain Imperial legislation, *e.g.* s. 32 deals with the calculation of percentages in case of liquid preparations; and s. 40 which deals with the issue of a search warrant by a justice for dangerous or poisonous drugs, etc., and for documents, etc.

Poor Persons' Legal Assistance.—The privilege of suing or defending *in forma pauperis* under the Rules of the Supreme Court in civil proceedings and in divorce and matrimonial causes is extended by this Act (No. 3548) to any person who proves that he has property not exceeding £50 in value. The Act provides for the appointment of a barrister and solicitor as Public Solicitor, before whom shall be laid every case for the opinion of counsel on the question whether or not a person desirous of suing or defending as a pauper in the Supreme Court has reasonable grounds for proceeding, and who shall be assigned as solicitor in all cases where a solicitor is assigned to a poor person in the Supreme Court, to an appellant under Part V of the Crimes Act, 1915, or to an accused person under the Poor Prisoners Defence Act, 1916. Provided that where the Public Solicitor is acting for one party to a suit and the opposite party is desirous of proceeding as a pauper, then the Crown Solicitor shall act for such opposite party. The Act also extends the privilege so far as applicable to civil proceedings in any County Court and to claims under the Workers' Compensation Acts.

Postponement of Payments.—No. 3571 is, as is stated in the preamble, "to provide for temporary suspension of payments in pursuance of certain obligations in the case of certain persons affected by conditions arising from drought or frost in the Mallee country and certain other parts of Victoria."

It is based on the lines of the Imperial Act 4 & 5 Geo. V, c. 78, and the New Zealand Mortgages Extension Act, 1914, and it suspends until February 28, 1929, the enforcement (unless by leave of the appropriate Court) of payments due under any mortgage of land, chattel or stock, lien on crops, hire purchase agreement, contract for the sale of land, lease, share-farming agreement, or negotiable instrument given as collateral security for any sum of money payable under any of the foregoing instruments, where the debtor resides in certain specified parts of Victoria affected by drought or frost in the year 1927, and whose ability to meet his obligations has been affected by conditions arising from that drought or frost.

Pounds.—No. 3530 amends the principal Act by altering the maximum trespass rate where cattle are impounded for trespassing on fenced land from 3*d.* per head to 5*s.* per head (s. 2).

It reduces the period during which impounded cattle must be kept before being sold from 21 to 14 days (s. 4).

It empowers the pound-keeper, acting upon an authority in writing signed by a justice, after inspection of the animal by the justice, to destroy any animal which is impounded and is found (*a*) to have been abandoned, or (*b*) to be decrepit or diseased or to be seriously injured or disabled, and to sell or dispose of the carcass and apply the proceeds of sale towards payment of (i) any costs and expenses, (ii) any sustenance or other fees, (iii) any trespass rates, and (iv) pay residue to owner or

to treasurer of municipality, and the pound-keeper may also recover in a county petty sessions from the owner of any such animal the amount by which the proceeds fall short of the total amount of such costs, expenses, fees, charges, rates (s. 3).

State Savings Bank.—No. 3545 amends the State Savings Bank Acts, amends also the Housing and Reclamation Act, 1920, and approves and ratifies and provides for the carrying into effect of an agreement between the Commonwealth of Australia and the Commissioners of the State Savings Bank of each of these purposes in their order.

The accumulated deposits in this bank total about £60,000,000 at credit of 1,167,000 accounts. Some of its funds have been available under *crédit foncier* terms to farmers, market gardeners and other such like workers by advances on the security of farms and dwellings and also by the erection of dwellings under the Housing and Reclamation Act. Owing to more extensive development in the country, to increase of population, and to greater facilities for transport, it was considered that more liberal advances should be made.

S. 6 increases the limit of advances to be made from two-thirds to three-quarters of the valuation of such farming, agricultural, etc., land, it increases the maximum loan to such persons from £2,000 to £4,000, and it increases the maximum amount that may be lent on buildings under *crédit foncier* terms from £1,000 to £1,500.

S. 7 extends the time for repayment of certain advances, and the amendments are the following: (*a*) trustee companies and trade unions may now (by s. 2), like friendly societies, deposit more than £1,000 (the maximum for ordinary depositors) and receive interest on the excess at a rate to be determined by the Commissioners; (*b*) under the principal Act if a depositor dies and no will has been notified within two months or proved within three months, the bank may pay the balance at credit to those entitled to it, if the balance does not exceed £200, and now (by s. 3) the bank may, in addition to the £200, deliver up bonds, debentures or such like securities lodged with the bank for safe custody up to a value of £200; (*c*) increases the proportion of the value of the land in fee-simple on which the Commissioners may lend money from three-fifths of such value to two-thirds and in the *crédit foncier* department from two-thirds to three-quarters of the value (ss. 5 and 6); (*d*) allows the two auditors to be appointed for four years in lieu of two (s. 9); (*e*) allows trustees and executors, in addition to investing in stock and debentures issued by the Commissioners, to invest in deposits in the bank (s. 10); (*f*) extends the power of the Commissioners to invest in Commonwealth securities by making it a general power and by removing the restrictions as to the loans being loans of the Commonwealth raised for war purposes (s. 11); (*g*) ordinary legal business of the Commissioners is to be carried out by officers employed exclusively in that service (s. 17).

Next as to the amendments: by the Housing and Reclamation Act, the power of the Commissioners to provide dwelling-houses for eligible persons was limited to a total capital cost of any dwelling-house acquired or erected of £800 for a house of wood and to £950 for a house of brick, stone or concrete. The present Act raises these limits to £1,000 and £1,300 respectively (s. 12).

To prevent speculation the Act provides that the purchaser of a dwelling-house may not obtain a transfer within the first five years

without the approval of the Commissioners (s. 13). There are other minor amendments.

Lastly, the Act ratifies an agreement between the Commonwealth of Australia and the Commissioners with regard to War Service Homes. The Commissioners have been building such homes for the Commonwealth since the year 1922 with money provided by the Commonwealth, the Commissioners receiving 15*s*. per cent. per annum on the amount of loans current for building the houses and collecting the repayments. Under the agreement as now ratified the money will still be provided by the Commonwealth, but it will be by way of loans to the Commissioners, to be repaid by instalments as the soldiers' repayments are made. The Commissioners will receive 13*s*. per cent. per annum and will not have to provide any money, and the soldiers' repayments will gradually provide the money to liquidate the debt to the Commonwealth. At the end of twenty years the Commissioners are to pay to the Commonwealth the balance (if any) unpaid (s. 18 and schedule).

Supreme Court.—No. 3540, which follows generally the lines of the Imperial Solicitors' Remuneration Act, 1881, is divided into two parts. Part I deals with solicitors' remuneration, and Part II with other matters. Part I gives power to the Chief Justice or any other judge of the Court nominated by him, two persons nominated by the Governor in Council, and two members of the Council of the Law Institute, or any three of them, the Chief Justice or his nominee being one, (*a*) to make any general order for regulating the remuneration of solicitors in respect of conveyancing and other non-contentious business; (*b*) to revoke or alter any such order. The principles to govern the remuneration are set out and any agreement made in respect of business connected with negotiating for or procuring an agreement for a loan, as well as with certain other businesses, so far as it provides for the payment of remuneration greater than the remuneration prescribed pursuant to the Act is rendered void. Special provision is made in relation to the remuneration of a solicitor to whom mortgages are made either alone or jointly with another. Part II amends the Conveyancing Act, 1915, as regards stipulations as to costs and expenses payable to a vendor or his solicitor under contract of sale for land and renders void any stipulation or condition made on the sale of land which restricts a purchaser in the selection of a solicitor to act on his behalf.

Swine Compensation. — No. 3523 provides compensation for the owners of pigs destroyed or condemned. It establishes a Swine Compensation Fund to be kept in the Treasury and credited with all sums of money received as stamp duty on statements, on sales of pigs and carcasses of pigs and all penalties recovered under the Act. This fund is to be applied to the payment of claims of compensation, and the Treasurer may advance out of the consolidated revenue any sum he certifies to be necessary as an advance to the fund, and such advance is to remain a charge on the fund and to be recouped when funds are available (ss. 11–16).

The Department of Agriculture is to administer the provisions of the Act as to compensation, and they are as follows:

Compensation is payable to the owner of any pig destroyed by order of an inspector of stock because such pig is suffering from or suspected of suffering from disease, to the owner of any carcass condemned by a meat inspector, or destroyed by a dairy supervisor, etc., and the com-

pensation is payable out of the Swine Compensation Fund in cases of swine fever or of swine erysipelas or of swine plague; but in cases of tuberculosis 40 per cent. of such compensation is payable by the Treasurer out of moneys to be provided by Parliament and the remainder only out of the said fund (s. 4).

The amount of compensation for a pig ordered to be destroyed because it is suffering from or suspected of suffering from disease is, if the pig after destruction is found free of disease, the market value of the pig, and is, if the pig after destruction is found to be diseased, seven-eighths of the market value: the maximum is not to exceed £15. The amount of compensation in respect of a carcass condemned as unfit for human consumption is to be that of the prescribed scale (s. 5). In case of dispute as to value between the owner and the officer the Minister is to nominate a competent and impartial valuer whose decision is final (s. 6). Provision is also retrospectively made for compensation to be made to owners of pigs destroyed because of swine fever at any time after February 21, 1927, and before the coming into operation of this Act (s. 10). There are supplementary sections providing for the making of regulations, burden of proof in proceedings against an owner, etc.

Swine (Sales).—No. 3550 is in a sense a corollary of the Act No. 3523, and it makes unlawful and penalizes a practice by which purchasers of swine charged or deducted against the vendor an amount by way of insurance or indemnity in respect of losses incurred by the death or disease of the swine; and it avoids any conditions in any contract providing for the making of any such charge or deduction.

Victorian Government Stock.—No. 3544 establishes a registry for the inscription of stock and authorizes the appointment of a registrar (s. 3). The Act is designed to give facilities to holders of Victorian Government stock and contains similar provisions to those in the Commonwealth Inscribed Stock Act, 1911–18, *e.g.* in regard to the transmission of stock in consequence of the death or bankruptcy of any stockholder or of any other lawful reasons of transfer than a transfer according to the provisions of the Victorian Stock Acts, a form of application for transmission may be made to the registrar verified by statutory declaration, etc. (s. 5), and in regard to the register, no notice of any trusts are receivable or are to be entered in the stock ledger or other books kept by the registrar (s. 10); and an attorney under power may be appointed by an owner to deal with the stock (s. 6). Power is given to redeem stock at any time previous to maturity, with the consent of the owner, at par value thereof with interest thereon to the date of payment only (s. 11).

Wages Attachment.—No. 3537 prohibits the attachment of the wages of any married clerk, servant, labourer or workman except where the wages of such person exceeds £3 per week. The surplus above that rate is made liable to attachment as before, but no costs or expenses of any such attachment are to be given, except for court fees or stamps, unless the total amount of wages exceeds £5 per week. The exemptions from attachment in existence prior to the passing of the Act are preserved.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., *Crown Solicitor.*]

The first session of the Thirteenth Parliament of Western Australia opened on July 28 and closed on December 9, 1927.

Thirty-four Acts were passed, but it is considered that only nine of these are of sufficient general interest to call for review.

Trustees Amendment.—S. 45 of the Trustees Act, 1900, gives the Supreme Court very extensive powers of making orders, on the application of a trustee, for (*inter alia*) the sale, exchange, mortgage, leasing or improvement of the trust estate. It was doubtful, however, whether the section applied to an executor or administrator who had not quitted his character as such and assumed the character of trustee by clearing the estate of debts. This Act (No. 7) extends the section to executors and administrators, notwithstanding that the estate of the deceased may not have been cleared by payment of debts.

Mental Treatment.—Act No. 13 enables the Governor to establish hospitals for the reception of persons who are suffering from mental or nervous disorder but have not been found, declared or certified to be insane.

Provision is made for the reception of patients into such hospitals, either at their own request or on the order of a justice of the peace supported by the certificates of two medical practitioners.

A useful power is conferred on courts of summary jurisdiction by s. 10, which empowers any such court to remand any person, charged before it with an offence, to a hospital established under the Act, for observation for a period not exceeding one month.

Racing Restriction.—Act No. 16 is aimed at the suppression of what is known as "tin hare" racing. It prohibits, under a penalty of £500, the use of any mechanical device or contrivance for the promotion of or in connexion with racing by or between animals other than horses, at or in any place to which the public are admitted on payment or otherwise.

Closer Settlement.—A board of three members is established under Act No. 21. It is charged with the duty of inquiring into the suitability and requirement for closer settlement of any unutilized land. The Act somewhat vaguely declares that land shall be deemed to be unutilized if, having regard to its economic value; it is not put to reasonable use, and its retention by the owner is a hindrance to closer settlement.

Having arrived at a unanimous opinion that any land is unutilized, the Board may report to that effect to the Minister, stating the use to which, in the opinion of the Board, the land should be put; but the owner may appeal to a judge, who may annul, vary or confirm the report. If the report survives the appeal, it is to be referred to the Governor, who may declare by notice in the *Gazette* that the land reported on is subject to the Act. The Board may then serve the notice on the owner and persons interested that the land or some part therefore is required for the purposes of the Act.

Within four months after receipt of such notice the owner may notify the Board of his intention (*a*) to put the land to that reasonable use to which, in the opinion of the Board, it should be put; or (*b*) to subdivide the land and offer the subdivisions for sale.

If, after service by the Board of the above-mentioned notice, the owner fails to notify the Board that he intends to avail himself of one of the alternatives which are open to him, or if after having so notified the Board he neglects to avail himself of the alternative chosen, then the Governor may by notice in the *Gazette* declare that the land or a defined portion thereof has been taken under the Act for the purpose of

closer settlement. This notice has much the same effect as a resumption of land for a public work, and the owner is entitled to be paid due compensation therefor.

If part only of a holding, or one of several adjoining holdings, is taken, the owner may require the whole of the holding or adjoining holdings to be taken.

Land acquired under the Act may be disposed of to settlers under and subject to the provisions of the Agricultural Lands Purchase Act, 1909.

State Children Amendment.—Act No. 22 is worth referring to as an illustration of the importance that is sometimes attached to names, for its principal object appears to be to intensify the sweetness of the rose by changing its name. The principal Act is henceforward to be known as the "Child Welfare Act." A similar alteration is made in the name of the State Children Department, whilst a "State child" will be called a "ward."

Hospitals.—For several years unsuccessful efforts have been made to pass a measure providing not only for the management of hospitals, but for financing them. The present Act (No. 23) deals, in the main, only with the former—the matter of finance being touched on only slightly, as in s. 27, which enables local authorities, to a limited extent, to expend their revenues on public hospitals and to borrow money for the construction, enlargement, improvement and equipment of hospitals within their respective districts. The hospitals which come within the purview of the Act are (1) the hospitals at Perth and Fremantle which were subject to the Hospitals Act, 1904, and were supported to only a limited extent by private contributions; (2) purely Government hospitals such as are established in many parts of the country and are almost entirely supported by Government funds; and (3) subsidized hospitals such as the Children's Hospital and various hospitals which have been carried on by local committees with Government aid.

In this State the provision of hospitals, apart from purely private hospitals carried on as businesses, is mainly a Government function, and the public and semi-public hospitals are resorted to not only by persons who can be classed as indigent, but by others. It follows that the aid given is not *prima facie* regarded as charitable. It must be paid for if the patient is able to pay, and s. 33 declares that the cost of the hospital relief shall be a debt recoverable in a court of law and shall be such amount as is determined by the hospital by-laws, or such lesser sum as the Court thinks reasonable, having regard to the means of the defendant and the circumstances of the case.

Hospitals under the Act are subject to both general and local administration. The general administration will consist of a Medical Department subject to the control of a Minister. The powers of the central administration will be large. For example, the Minister may close any public hospital, and may, by leave of the Supreme Court or a judge thereof, make any necessary variation of any trusts affecting any property used by or applicable to any of the purposes of such hospitals and the buildings, equipment and other property of any closed hospital will be applicable, in the discretion of the Minister, for the benefit of other public hospitals.

Full powers of visiting and inspecting all hospitals are also conferred on the central authority.

The local administration and management will be vested in hospital boards appointed by the Governor, who will have power to appoint a local authority to be the board of any hospital. In any case where no board has been appointed the Minister will be deemed to be the board. It is to be noted that there is no provision for the election of any member of a board even in the case of a hospital which depends largely on private donations.

Subject to the consent of the Governor, the board of a hospital will have wide, though not unlimited, powers of disposing of the property of the hospital, and, subject to the like consent, it will have extensive powers of making by-laws for the government of the hospital.

Constitution Amendment.—The main purpose of this Act (No. 25) is to increase the number of Ministers to eight, and to provide the necessary additional salaries.

Metropolitan Town Planning Commission.—The Commission for which provision is made by this measure (No. 30) will be a purely advisory body charged with the duty of inquiring into and reporting upon the present conditions and tendencies of urban development in the metropolitan area.

Its report may include: (*a*) general plans and recommendations with respect to the better guidance and control of such development or of any portion thereof; (*b*) estimates in reasonable detail of the cost involved in the construction, maintenance and administration of all matters and things the subject of its recommendations.

The Commission's recommendations may extend to street and road requirements, traffic regulation, conservation of natural beauties, and the prevention and abolition of nuisances and unsightly objects, the classification of districts as suitable for residences, factories, businesses or noxious trades, the laying out, position, and opening or closing of streets and roads and open spaces, bridges and waterfront and river improvements, the subdivision of land, the regulation of building, food supplies, and other matters.

The Act expires at the end of 1930. It may be determined earlier by proclamation.

7. PAPUA.

[*Contributed by* His Honour Mr. Justice Gore.]

During the year 1927 thirteen Ordinances were passed, of which the following may be noted:

Administration of Justice.—In the adoption of certain laws of the Colony of Queensland as Ordinances of British New Guinea, as the Territory of Papua then was, and in establishing Courts of Law in the Possession by the Courts and Laws Adopting Ordinances of 1888 and 1889, the Judicature Act already in force in Queensland was not included. By s. 10 of the Courts and Laws Adopting Ordinance of 1888, however, an equitable jurisdiction was given to the Central Court of the Possession over the subject matter of any cause or proceeding according to the laws then governing such cause or matter in Queensland. In this there was a fusion of common law and equitable jurisdiction. It had never been accepted in the Territory that the words of s. 10 gave the Central Court powers in relation to those parts of the Judicature Act which declare and amend the law and which have no reference to the establishment of a unity of jurisdiction.

From time to time as the necessity has arisen parts of s. 5 of the Queensland Judicature Act (40 Vict. No. 6) have been inserted in those Ordinances of the Territory best suited to their inclusion. The provision contained in sub-sec. (1) of s. 5 for the method of administration of the assets of a deceased person whose estate proves insufficient for payment in full of his debts was enacted as part of the Probate and Administration Ordinance. Similarly with reference to the case of a company not being able to pay its debts the provision was inserted in the Companies Ordinance. Sub-sec. (6) dealing with the assignment of debts and choses in action was inserted in the Mercantile Ordinance. This Ordinance (No. 2) now enacts as substantive laws of the Territory the remainder of s. 5, an epitome of which is as follows: (1) claims for breach of trust not barred by the Statute of Limitations; (2) tenant for life without impeachment of waste may not commit equitable waste; (3) no merger of legal estate unless merged in equity; (4) mortgagor in possession may sue; (5) stipulations not of the essence of contracts to be construed as in equity; (6) writs of mandamus and injunction may be granted and receivers appointed in all cases when just or convenient; (7) in cases of collision between two ships the rules of Admiralty to prevail; (8) in questions relating to the custody and education of infants the rules of equity to prevail; (9) rules of equity to prevail where any conflict between them and the rules of law.

Sale of Goods.—No. 3 is a codification of the law relating to the sale of goods. It has been practically copied from the Queensland legislation on the same subject, and is the same as that which obtains in England, the Australian States and other British Dominions.

Factors.—No. 4 does not alter the law on the subject, but repeals ss. 8–20 of the Mercantile Ordinance, 1912–4, dealing with factors, and re-enacts them as a separate Ordinance to enable references in the Sale of Goods Ordinance referred to above to be made to a self-contained Ordinance instead of to specified sections of the Mercantile Ordinance which contains other matters.

Petroleum.—No. 6 provides for the Government control of the storage of "petroleum" (as defined). Vessels carrying a cargo consisting wholly or in part of petroleum and entering any harbour within the Territory from any port beyond the Territory are to conform to the instructions of the Harbour Master as to mooring and if moored in contravention of instructions shall incur a penalty not exceeding £20 for each day remaining so moored. Petroleum in any quantity exceeding thirty-five imperial gallons is required to be stored in a public or private magazine in vessels of glass, earthenware, or metal or in barrels made of wood. The Lieutenant-Governor may proclaim any building a public magazine for the storage of petroleum, appoint persons to have the charge thereof, and fix the storage rent on goods kept therein.

No petroleum shall be delivered from or received into a public magazine except between the prescribed hours.

Provision is made for the issue of licences for private magazines. Private magazines are to be constructed of such materials in such manner and shall comply with such requirements as may be prescribed. The hours between which delivery may be given from a private magazine are stated. Provision is also made for the issue of search warrants and the removal and forfeiture of petroleum found to be kept in any place other than a public or private magazine contrary to the Ordinance.

Power to enter and inspect private magazines is also given. Penalties are provided including that of forfeiture of Crown leases in certain cases. The Schedule contains the necessary regulations.

Land.—No. 10 amends the Land Ordinance, 1911–26. A new method of appraisement of Crown leases other than the leases of town allotments is established. This is to obviate the necessity of inspections which under present conditions obtaining in the Territory could only be made at prohibitive expense. Whenever it is provided with reference to land comprised in any lease that the unimproved value of the land shall be appraised at specified periods of every twenty years or every ten years as the case may be during the currency of the lease and the rent determined accordingly it shall be a sufficient compliance with any such provision if the appraisement is made by an order of the Lieutenant-Governor in Council without any inspection of the land by placing each lease in one of three categories. If the lease is placed in the First Category the appraisement is deemed to have increased to double the value upon which rent was determined for the preceding or last preceding period and the rent is increased by 100 per cent. If placed in the Second Category, the appraisement is increased by one-third in the case of an agricultural lease and by one-fourth if it is a pastoral lease, with a corresponding increase in rent by one-third and one-fourth respectively. If the lease is placed in the Third Category, the appraisement remains the same and there is consequently no increase in the rent. This method is only to apply to the appraisement to be made at the end of the first of the specified periods of twenty years or at the termination of the first and second of the specified periods of ten years.

By this Ordinance also the rent of town allotments is reduced to 5 per cent. per annum of the unimproved value of the land.

Native Labour.—No. 11 is the Natives (Non-indentured Service) Ordinance, and relates to the employment of natives without indenture. Hitherto by virtue of the Native Labour Ordinance, 1911–20, a native could not be employed for more than three months without entering into a contract of service under that Ordinance. By this Ordinance natives may be engaged without entering into a contract of service under the Native Labour Ordinance. There is no limit to the period for which the native may be continuously employed, but the Ordinance applies only (1) to male natives who are of the age or apparent age of not less than sixteen years and whose village is situated not more than twenty miles from the place of their employment, and (2) to females of like age whose village is not more than four miles from the place of their employment. The employment of the native may be determined at any time without notice by either the employer or the native. No female native is to be employed in any occupation which is of a heavy or burdensome nature. Provision is made for the suspension of the operation of the Ordinance or of any of its provisions by the Lieutenant-Governor by Proclamation either for a period specified in the Proclamation or during the continuance of the Proclamation and either in relation to the whole Territory or to a Division or district or locality. Power is given to the Lieutenant-Governor to prohibit an employer from employing natives under this Ordinance if he has cause to believe that the employer has contravened any of the provisions of the Ordinance or that for any cause it is desirable that the employer should be prohibited from employing them. The Lieutenant-Governor may make regulations dealing with matters of

detail such as food, water, shelter, sleeping quarters, clothing, bedding, hospital accommodation, medical care and medicine, but no regulations shall be made unless and until the Lieutenant-Governor shall by Proclamation declare that it is desirable to make regulations for the better protection or in the interests of the natives. The object of this provision postponing the making of regulations is to leave the working out of the free labour system as much as possible to the parties themselves in the hope that the parties will work harmoniously together. Power to inspect is also given. Appropriate penalties are provided.

Distillation.—No. 12 repeals the Distillation Ordinance, 1912, and provides for the making of spirits out of specified materials for the purpose and in the course of making power alcohol only. Power is given to supervise and regulate distilleries, the removal of spirits and power alcohol and other matters similar in many respects to that contained in the Commonwealth Distillation Act. Special provision is made prohibiting the removal from distilleries of any spirit that is not power alcohol within the meaning of the Ordinance. The definition of power alcohol is similar to that contained in the Commonwealth Power Alcohol Bounty Act, 1926, s. 2.

Superannuation.—No. 13 amends the Superannuation Ordinance, 1917–26, by making provision for the suspension of superannuation allowance payable to any retired officer of the Public Service who is appointed to any office in the Public Service of the tropical Territories of the Commonwealth named in the Ordinance. The superannuation allowance ceases to be payable during the tenure of the office.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ. LL.M., *Parliamentary Law Draftsman*.]

Acts passed: Public Acts—77; Local Acts—24; Private Acts—2.

Of the 77 public Acts passed in the Session of 1927, four are compilations prepared by the Compiler of Statutes. As they left the Compiler these enactments contained no new law, but during their passage through Parliament opportunity was taken to insert certain amendments of minor importance. The compilations referred to are (1) the Public Service Superannuation Act (No. 27); (2) the Police Offences Act (No. 35); (3) the Justices of the Peace Act (No. 37); and the Electoral Act (No. 44).

Of the new legislation, probably the most important enactment is the Rural Intermediate Credit Act, passed to give further effect to the report of the Commission referred to in the review of the Rural Advances Act, 1926.[1] The purpose of the present Act is to provide machinery for the making of loans to farmers, for terms intermediate between six months and five years. With the intention of encouraging co-operative enterprise, part of the scheme provides for loans being made by a central Board to incorporated associations of farmers, these associations in turn advancing money as required to their individual shareholders. Other important measures are (1) the Dangerous Drugs Act (No. 18), passed to give effect to the requirements of the International Opium Convention

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 110.

of 1925; (2) the Child Welfare Amendment Act (No. 61), extending the powers of Government officials to inspect and supervise the work on private organizations in relation to the maintenance and control of children in orphanages and other like institutions; also defining and extending the jurisdiction of Children's Courts; (3) the Motor-spirit Taxation Act (to provide further revenues for the construction and maintenance of roads and streets); (4) the Summer time Act (No. 14) (providing for the adoption of "summer time" in New Zealand during the 1927–8 summer); the War Disabilities Removal Act (removing the remaining disabilities affecting former alien enemies).

The following review deals only with the more important measures:

Unemployment.—Provision in relief of unemployment was made (1) in the Local Authorities Empowering (Relief of Unemployment) Extension Act (No. 1); and (2) by s. 4 of the first Imprest Supply Act (No. 2). By the first-mentioned Act, the duration of the authority conferred by Act 1926 No. 2 was extended until June 30, 1928. The authority conferred by the 1926 Act[1] and now extended is an authority to borrow moneys, with the consent of the Governor-General in Council but without taking a poll of ratepayers, to be expended on public works undertaken primarily for the purpose of providing employment for men who would otherwise be without employment or without sufficient employment to enable them to maintain themselves and their families in reasonable comfort. The provision in the Imprest Supply Act above referred to is an authority for payment out of the Consolidated Fund of subsidies to local authorities undertaking public works for relief of unemployment. The aggregate amount of subsidy so payable is fixed at £150,000.

Western Samoa (Mandated Territory).—By the Samoa Act, 1921–2 (repeating in this respect the provisions of the Samoa Constitution Order, 1920, made under authority of the Treaty of Peace Act, 1919 (New Zealand) and the Western Samoa Order in Council, 1920 (Imperial)), the Governor-General in Council is empowered to make all such regulations as he thinks necessary for the peace, order and good government of Samoa. Under this authority many so-called regulations have been issued. The subject-matter of these regulations has not been limited to matters of administrative machinery, but the view has been taken that the power conferred on the Governor-General in Council to legislate by regulation for Samoa is as extensive as the like power conferred on the Parliament of New Zealand by the Constitution Act to make laws for the peace, order and good government of New Zealand. Nevertheless, the question of deportation from Samoa was regarded as one of such importance that the usual practice of legislation by regulation was departed from and in the Samoa Amendment Act (No. 7) the legislature has expressly authorized the deportation from Samoa of persons believed by the Administrator to be "preventing or hindering the due performance by the Government of the Dominion of its functions and duties under the terms of the Mandate and of the Covenant of the League of Nations or the due administration of the executive government of Samoa." Before exercising the power of deportation conferred on him by the Act the Administrator is required to hold an inquiry at which the person concerned has the right to be present and to be heard. At such inquiry the Administrator must inform the person concerned of the matters alleged against him, and full opportunity of denial or explanation must

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 101.

be allowed. If after inquiry as aforesaid the belief of the Administrator remains unaltered, he may, with the authority of the Governor-General in Council (*a*) in the case of a European, order him to depart from Samoa and to remain absent therefrom for a period not exceeding five years, (*b*) in the case of a Samoan, order him to remove to a place in Samoa, there to remain for a period not exceeding two years.

Deportation under the Act is not in the nature of punishment for an offence, but its true purpose is to operate as a safeguard of the administration in its efforts to promote the interests of the native inhabitants of Samoa, by removing elements which, if precautionary measures were not taken, might readily produce revolt and bloodshed.

Land and Income-tax.—S. 2 of the Land and Income-tax Amendment Act (No. 12) relates to the "special exemption" of an amount not exceeding £300 allowed by the principal Act [1] for the purpose of ascertaining the amount of income on which income-tax is payable in any year. By the Act of 1923 the maximum exemption of £300 was reducible by £1 for every £1 of assessable income in excess of £600, so that the exemption was gradually diminished and finally disappeared with an assessable income of £900. The amending Act provides that the process of reduction shall commence with an income in excess of £450. From £450 to £750 the reduction is at the rate of £1 for every £2 of income in excess of £450. From £750 upwards the reduction is at the rate of £1 for every £1; as under the former law the exemption disappears at £900.

S. 3 of the amending Act relates to the payment of income-tax in respect of income derived from debentures issued by companies. By s. 116 of the Land and Income-tax Act, 1923, every company that has issued such debentures is made the agent of the debenture-holders for the making of returns and the payment of debenture-tax. The amendment allows a company to rid itself of this statutory obligation to make returns and pay tax on behalf of its debenture-holders by supplying to the Commissioner of Taxes sufficient certified particulars to enable the Commissioner to make a personal assessment. The amendment is on the lines of similar legislation passed in 1921 with respect to local authorities and to the holders of debentures issued by local authorities.

The Land and Income-tax (Annual) Act (No. 13) fixes the rates of land-tax and income-tax for the financial year ending on March 31, 1928. Except with respect to special classes of income, the rates of income-tax have within recent years been based on a graduated scale, the minimum tax being 7*d*. in the £1 and the maximum tax 4*s*. 6*d*. in the £1. Between these extremes a graduated scale, increased for every £1 of income, was fixed. The annual taxing Act for the current financial year (1927–8) preserves the limits of 7*d*. and 4*s*. 6*d*. respectively, but in comparison with former years provides a series of finer graduations in the scale between those limits. The object of the change was the removal of anomalies rather than increase of revenue, though an appreciable increase of taxation has resulted.

Summer Time.—The effect of Act No. 14 has been to substitute "summer time" for "standard time" during the period commencing on the first Sunday of November 1927, and ending on the first Sunday of March 1928. New Zealand standard time is 11½ hours in advance of Greenwich mean time. Summer time is one hour in advance of New Zealand standard time.

[1] The Land and Income-tax Act, 1923.

An exception in the substitution of summer time for standard time was made by the Act in its application to awards or industrial agreements governing the employment of workers in the threshing of grain or the shearing of sheep, it being left optional to employers and workers engaged in those occupations to adopt summer time if they should think fit to do so.

The Bill was introduced by Mr. T. K. Sidey (Dunedin South), who, in politics, is opposed to the present Government ; that the Bill should have reached the Statute-book in such circumstances is something of a feat. On not less than seventeen former occasions Mr. Sidey had introduced the same Bill under varying titles and with slightly differing provisions, but, until the present occasion, without result.

Marriage.—By the Marriage Act, 1908, provision is made for gazetting annually a list of " Officiating Ministers " being ministers of religion appointed by their respective denominations to officiate as marriage officers. In certain denominations (for example, among the people known as the " Brethren ") the office of a minister of religion does not exist, and some disability has consequently been suffered by the people attached thereto. The present amending Act (No. 15) provides that if the Minister of Internal Affairs is satisfied with respect to any religious body that the constitution or tenets of that body do not recognize or make provision for the office of minister of religion within the membership of that body, he may direct that there be inserted in the list of officiating ministers the names of such adult members of that religious body as he thinks proper, being in his opinion persons of good character and otherwise qualified to act as officiating ministers. Additions to the list of officiating ministers may be made under this section only on the petition in writing of ten adult members of the religious body concerned.

Fungicides and Insecticides.[1]—Act No. 17 bears witness to the growing importance of the fruit industry, and is intended to give to fruit-growers the protection from spurious and adulterated spraying and other compounds which they have demanded. Weed-killers are also included within its scope. The Act in the main consists of machinery provisions. Regulations will prescribe standards, and there is power to register vendors and otherwise to control the sale of fungicides and insecticides. Proposals made by the British Board of Agriculture for ensuring proper standards have largely influenced the drafting of this measure. From the United States there has been adopted, with modifications, a provision designed to prevent extravagant " boosting " of worthless compounds. It is an offence to claim for a specific an efficacy not warranted by the results from its use.

Dangerous Drugs.[2]—Act No. 18 confers the powers necessary to enable New Zealand to carry out the obligations imposed by her adherence to the several international conventions relating to the drug traffic. As far as the Dominion is concerned the powers conferred are at present largely precautionary, for, with the exception of opium smoking (in the main confined to Asiatics), there is no drug traffic here as the term is understood in larger centres of population. The Act adopts the definitions laid down in the conventions and follows the provisions of the Imperial Acts with the addition of the special provision of our own Opium Acts. The administration of the Act is divided between two Government departments. The importation and exportation of drugs are controlled by the

[1] Written by T. D. H. Hall, Esq., Assistant Law Draftsman. [2] *Ibid.*

Customs Department and the manufacture and disposal of drugs are controlled by the Health Department. The scheme of licences and the powers of search, etc., are as in the Imperial Statutes.

Horticulture. — The New Zealand Institute of Horticulture Act (No. 20) makes provision for the statutory recognition of certificates and diplomas in horticulture, to be issued in accordance with its rules by the New Zealand Institute of Horticulture, Incorporated. No legal obstacle exists to the issue of such certificates and diplomas without specific statutory authority, but it was urged by the Institute that the value of certificates would be enhanced by the fact that they could be issued only after examination in accordance with a scheme approved by the Governor-General in Council. The Act makes provision accordingly.

Parliamentary Elections.—In addition to various amendments of minor importance made with respect to the machinery for conducting parliamentary elections, the Legislature Amendment Act (No. 23) makes provision for the issue of regulations by the Governor-General to enable voters who may be precluded from attending personally at polling places to vote by post for the purposes of a parliamentary election. The persons so entitled to vote by post include the following : (*a*) persons who on polling day are absent from New Zealand ; (*b*) persons who on polling day would not be within five miles of a polling place ; (*c*) persons who on polling day will be travelling under conditions which will preclude them from attending at a polling place ; (*d*) persons suffering from invalidity or infirmity ; (*e*) lighthouse keepers.

This amending Act was passed to prepare the way for a consolidating measure, which was introduced and passed later in the same Session, and by which the amending Act was repealed.

War Disabilities Removal.—Act No. 24 repeals all enactments passed during the war and immediately thereafter imposing disabilities upon persons who were then alien enemies. The disabilities in question related particularly to : (*a*) employment in the teaching profession ; (*b*) acquisition of land ; (*c*) entry into New Zealand ; (*d*) divorce.

Fruit Industry.—The Orchard-tax Act (No. 25) re-enacts and extends the provisions of the Orchard-tax Act, 1916 (which expired by effluxion of time at the end of 1926). The purpose of the Act is not to provide public revenue, but to utilize the machinery of the State for the collection of moneys from persons engaged in the fruit-growing industry, to be expended in the interests of that industry. The expenses of collection having been deducted and paid into the Public Account, the residue is made payable to the Fruit Growers' Federation to be expended for the purposes referred to above. Provision is also made for a further levy being made in certain cases, the net proceeds to be available in the hands of a local committee to enable effective steps to be taken to prevent the outbreak or the spread, as the case may be, of the disease affecting orchards commonly known as " fire-blight."

Customs Duties.—The Customs Amendment Act (No. 26) repeals the Tariff which was enacted in 1921 and substitutes a new Tariff therefor. In addition certain administrative amendments are made in the Customs Act, 1913, but these amendments do not materially affect the general principles of that Act. An important extension of the powers of the Governor-General in Council is, however, made by s. 14 of the amending Act. By that section power is given to the Governor-General in Council to impose Customs duties not exceeding 25 per cent. *ad valorem*, in any

of the following cases: (*a*) In the case of goods imported into New Zealand from any foreign country, if in the opinion of the Governor-General that foreign country discriminates, to the disadvantage of goods the produce or manufacture of New Zealand, between those goods and the goods of any other country. (*b*) In the case of goods imported into New Zealand from any foreign country, if in the opinion of the Governor-General the duty charged by that country on the importation of goods being the produce or manufacture of New Zealand is excessive; or in the case of goods imported into New Zealand from any foreign country that restricts (otherwise than by Customs duties) or prohibits wholly or partially the importation into that country of goods being the produce or manufacture of New Zealand. (*c*) In the case of goods imported into New Zealand from any foreign country, if in relation to such goods there is no treaty, agreement or arrangement in force between the Government of that country and the Government of New Zealand.

Public Service Superannuation.—Act No. 27 consolidates the several enactments relating to the establishment and operation of superannuation schemes for (*a*) officers of the Public Service; (*b*) the Police Force; (*c*) stipendiary magistrates; (*d*) persons engaged in the Education Service.

No material alteration is made in the subject-matter of the law.

Apiaries.—Act No. 29 repeals and re-enacts with amendment the law relating to the keeping of bees and the prevention of the outbreak or spread of disease affecting bees and their produce.

Guardianship.—The Guardianship of Infants Amendment Act (No. 30) amends the Act passed in 1926, by expressly conferring on Courts of Summary Jurisdiction the power to consent to the proposed marriage of a minor. Hitherto this power has been exerciseable only by the Supreme Court.

Crown Lands.—The Land for Settlements Act (No. 21) and the Land Laws Amendment Act (No. 33) amend the law relating to the disposal by sale or lease of Crown lands or of lands which, though not vested in the Crown, are administered by a Department of State. The general purpose of the amending Acts is to improve conditions of tenure, and no material alterations of general interest have been made in the law.

Police Offences.—Act No. 35 is a compilation (made by the Compiler of Statutes) of the law relating to offences punishable otherwise than on indictment. No alteration of the law has been made in the compilation.

Justices of the Peace.—Act No. 37 is also a compilation (by the Compiler of Statutes) of the law relating to the appointment and jurisdiction of Justices of the Peace. No material alterations have been made in the law.

Fertilizers.[1]—Act No. 38 replaces an older Act which had remained unchanged on the Statute-book for over twenty years, which fact must not, however, be taken as an indication that its provisions were regarded as satisfactory. As in Great Britain, the fertilizer question has been agitating farmers for a considerable period and a more drastic law had long been demanded. The difficulty has been to decide on a reasonable basis for reform and to keep the balance between farmer and vendor. The new Act has not borrowed much from the Imperial statute recently passed as a result of the report of a Commission. It retains the basic

[1] Written by T. D. H. Hall, Esq., Assistant Law Draftsman.

feature of the older Act, namely, registered vendors who are required to deposit with a Government department particulars of all brands of fertilizers sold and to supply similar particulars in an invoice certificate to the purchaser on the sale of more than 5 cwt. of any brand. But the vendor is now required to disclose very much fuller particulars, so set out as to be easily understood by the farmer. For instance, the form in which any fertilizing ingredient occurs must be shown, the nature of any filler or diluent disclosed, and in certain cases fineness of grinding declared. The vendor has been given some relief in the matter of bulk sales, and the storing of fertilizers in branded packages. Wider powers are given to Inspectors. In the administration of the Act farmers rely on Inspectors to see that vendors observe the law, and it is seldom that they make use of the remedy open to them of an action for breach of warranty. S. 20 of the Act is designed to meet what vendors claim to be unfair competition. A practice has grown up of so-called co-operative buying abroad of the fertilizer requirements of farmers. Actually farmers are invited by a canvasser to give an order for fertilizer. The total quantity is then imported and distributed in circumstances, it is alleged, not constituting a sale. No invoice certificate is therefore received by the farmer, who is regarded as an importer for his own use. It is alleged that farmers are induced to buy in this way cheaper fertilizers which are not, however, equal in real value to what is offered by local vendors. The section requires that particulars of the fertilizer shall be supplied to each of the farmers concerned and that a sample shall be sent for analysis.

S. 23 prohibits the use of the term " fertilizer " to describe a substance which is not a fertilizer capable of being sold under a registered brand.

Provisions have been adopted from a Victorian Statute (Australia) relating to the burden of proof and the remedy of a vendor against a prior vendor.

Importation of Plants.—The Introduction of Plants Act (No. 39) provides machinery for controlling the importation into New Zealand of plants of a kind not hitherto found in New Zealand. The importation of certain other plants (*viz.* plants classified as noxious weeds) is definitely prohibited.

Bankruptcy.—Prior to the passing of the Bankruptcy Amendment Act (No. 41), the law of bankruptcy had remained unaltered in New Zealand since the passing of the Bankruptcy Act, 1892. Representations have from time to time been made that the law of New Zealand in this matter should be brought into conformity with the law of England, with the view more particularly of recognizing the administration of bankrupt estates by private trustees. All bankrupt estates in New Zealand (using the term " bankrupt " in the strict and limited sense of being subject to the Bankruptcy Act) are vested in and administered by a public official known as the Official Assignee, provision being made for the appointment of an Official Assignee for each district of the Supreme Court. Objection has from time to time been taken, in relation to Official Assignees, to the effect that it is impossible for an Assignee to have a firsthand knowledge of all the different classes of businesses which in his official capacity he may be called upon to administer and that in consequence the administration of estates is prejudiced. To a certain extent the complaint may be true, and the result has been that in many important cases private assignments have been made by insolvent

debtors and the machinery of the Bankruptcy Act has not been availed of. The Government has never, however, been persuaded as to the wisdom of abolishing the office of Official Assignee or of making the Official Assignee subordinate to privately appointed trustees, and for this and other reasons the law of bankruptcy in New Zealand has never been brought into line in this respect with the English law. The Act of 1927, however, has adopted some of the machinery provisions of the English Act, and has also made certain minor improvements.

The provisions adopted from the English Act have reference to: (*a*) bankruptcy notices; (*b*) bankruptcy proceedings against a married woman; (*c*) extension of the Assignee's powers of sale by private contract; (*d*) power of Assignee to disclaim onerous property.

A novel feature of the Act is the provision contained in s. 14, which requires the Minister of Justice to publish annually in the *Gazette* a list of all persons adjudged bankrupt since March 31, 1927, and for the time being undischarged.

Magistrates' Courts.—Act No. 42 adopts, with modifications, certain of the procedural provisions applicable to proceedings in the Supreme Court. It also extends in certain directions the jurisdiction of the Magistrate's Court. The amendments have been made primarily to prepare the way for a compilation which will probably be passed in the Session of 1928.

Parliamentary Elections.—The Electoral Act, No. 44, is a consolidation (by the Compiler of Statutes) of the enactments relating to the election of members of the House of Representatives. Amendments of the law were made in Act No. 23 *supra*, which has been repealed by, and the subject-matter thereof incorporated in, the present compilation.

Rural Credits.—The Rural Intermediate Credit Act (No. 45) is an important measure designed to facilitate the provision of financial assistance to farmers and other persons engaged in primary production. This enactment is a direct outcome of a Commission of Inquiry which left New Zealand in 1926,[1] to investigate rural financial conditions in North and South America and in Europe. The purpose of the Act is to supplement the existing machinery afforded by the State Advances Office and other Government Departments for the provision of long-term loans for productive purposes, such loans being repayable by equal half-yearly instalments, each such instalment consisting partly of principal and partly of interest. Under the present Act, loans are to be granted for periods not less than six months and not exceeding five years, the term "Intermediate" in the title having reference to the period intermediate between the short-term loans available from banks and other financial institutions and the long-term loans granted, as above referred to, by Departments of State.

Two alternative schemes are provided for in the Act. Under the first of these, loans may be granted directly to farmers out of the funds of the Rural Intermediate Credit Board. Under the second scheme, loans are not granted directly to farmers, but are granted in the first place to incorporated companies of which farmers are the shareholders. Loans made to such companies are made only for the purpose of enabling them to finance their shareholders by way of loan, every shareholder being required to be the holder of shares of a nominal value of not less than 10 per cent. of the amount of his loan, which may be secured on

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 110.

land or chattels, or on approved personal security. Underlying this scheme is the motive of encouraging the development of co-operative enterprise among small farmers. It is feared, however, that the scheme may prove cumbersome in operation and may therefore be allowed to fall into abeyance and that in fact loans will be granted by the central board direct to the farmers concerned under the scheme first referred to.

The financial stability of the scheme is not guaranteed by the Government and the Rural Intermediate Credit Board is not a Department of State, although the Public Trustee is the principal executive member thereof and the staff of the Public Trust Office is being used in carrying out the business of the Board. Nevertheless, the Government has undertaken to supply a considerable portion of the capital required for a successful initiation of the scheme, and, in addition, the Board has power to issue debentures charged upon its assets.

The following is a general statement indicating the extent to which the general Government is prepared to assist the Board in fulfilling its functions. In the first place, the Minister of Finance is empowered to pay out of the Consolidated Fund, by way of loan to the Board, sums not exceeding in the aggregate £400,000. The term of such loan is not definitely fixed, but the minimum period thereof is fixed at twenty years. No interest is payable by the Board for the first ten years of the term of any such loan. All moneys received by the Board by way of loan from the Consolidated Fund as aforesaid are to be apportioned as follows: (*a*) one-third thereof is payable to a Redemption Fund, to be invested in Government securities and to be applied in the redemption of debentures issued by the Board; (*b*) the remaining two-thirds are to be available by the Board for the purpose of carrying on its business. In addition to the capital moneys provided by way of loan as aforesaid from the Consolidated Fund, the Board is empowered to issue debentures secured upon its assets, the aggregate amount thereof being fixed so as not at any time to exceed: (*a*) the amount received from the Consolidated Fund by way of loan; plus (*b*) the amount secured by all mortgages and other securities the property of the Board and held by it in the course of its business; or the sum of £5,000,000 (whichever is the less).

The purposes for which moneys may be advanced under the Act to farmers (either directly by the Board or indirectly through the association of which such farmers are shareholders) are the following: (*a*) the clearing, fencing, draining and general improvement of land; (*b*) the erection of buildings on any such land; (*c*) the purchase of implements, stock, seeds, plants, trees and other things required in respect of the occupation and use of any land; (*d*) the payment of any mortgage, debt, or other liability of the applicant incurred in relation to farming operations; (*e*) any other purpose in relation to farming operations that may be approved by the Board.

Supplementary provisions are also made for payment by the Board of advances to co-operative societies established otherwise than under the Act for purposes in relation to primary production. Loans to such co-operative societies are for the purpose of enabling them to carry on their own business, and not, as in the case of associations established under the Act, merely for the purpose of financing their shareholders.

The usual power is conferred upon the Governor-General in Council to make such regulations as may be required for giving effect to the Act.

Motor Spirits Taxation—for Maintenance and Construction of Roads.—The Motor Spirits Taxation Act (No. 47) imposes a customs duty of *4d.* a gallon on all motor spirits imported into New Zealand. Provision is made for the making of a refund, on application, of duty paid on motor spirits used otherwise than as fuel for motor-vehicles. The residue of the revenue derived from the tax so imposed (left after the expenses of administration have been deducted) is apportioned as follows: (*a*) 92 per cent. thereof is made payable to the Revenue Fund of the Main Highways Account established under the Main Highways Act, 1922 [1]; (*b*) the remaining 8 per cent. is apportioned among Boroughs with a population of 6,000 and upwards.

Moneys appropriated to the Revenue Fund of the Main Highways Account are available for the purposes of that Fund (primarily the maintenance of main highways); moneys paid to Borough Councils are available towards the cost of construction, reconstruction and maintenance of streets forming a continuation of any main highway.

Post Office.—Part I of the Post and Telegraph Amendment Act (No. 48) relates wholly to the financial arrangements of the Post Office and provides for the separation of the Post Office Account from the Public Account. The separation will take effect as from April 1, 1928. Hitherto the Post Office has been (nominally at least) merely a revenue-producing branch of the general Government. As from the date above-mentioned the Department will be conducted as if it were an independent organization. This does not apply with respect to any profits that may be derived from the operations of the Post Office Savings Bank, which will continue as hitherto to be payable into the Consolidated Fund. Other provisions in the Act relate to various matters affecting the operations of the Department; *inter alia*, more stringent provisions are made with respect to the unlicensed use of apparatus for receiving or transmitting wireless telegraphic communications. The amending provisions in this respect are due to the development of broadcasting.

Law of Property.—Ss. 2 to 5 of the Property Law Amendment Act (No. 49) relate to the procedure for the effective grant of rights of access of light and air over land. All such rights are required to be registered before they become effective. S. 6 adopts the provisions of s. 184 of the Law of Property Act, 1925 (Imperial) as to the presumption of survivorship in regard to claims to property in the case of commorientes.

Mortgagees Indemnity (Workers' Charges) Act.—By s. 47 of the Workers' Compensation Act, 1922, re-enacting the provisions of earlier Acts, the amount of compensation payable by an employer to a worker in respect of an accident arising out of or in the course of his employment in or about any building is made an equitable charge upon the employer's estate or interest in that building and in the land on which it is situated. Hitherto mortgages have invariably required that mortgagors should insure against the risk of loss involved in the charge so created against mortgaged land. This requirement has imposed on mortgagors an appreciable burden, though the risk has been infinitesimal. By the Mortgagees Indemnity (Workers' Charges) Act (No. 50) a special stamp duty of 1*s.* is charged on all mortgages; in the case of mortgages executed after the passing of the Act, such duty is made payable at the time of their registration; in the case of existing mortgages the payment of the duty is postponed until the registration of the discharge. The revenue

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, part ii, p. 100.

to be derived from this special duty is made payable into the Land Assurance Fund Account (established under the Land Transfer Act), and the loss suffered by a mortgagee by reason of the enforcement of any charge as aforesaid is made payable out of the said account. (To avoid misapprehension it may be well to emphasize the fact that the Act does not relate in any way to the payment of compensation but only to loss suffered by a mortgagee from the enforcement of a charge created against mortgaged land to secure the payment of compensation.)

Main Highways.—Act No. 51 further amends, in matters of detail, the provisions of the Main Highways Act, 1922.[1] The amending Act provides, *inter alia :* (1) That the Main Highways Board may, out of its funds, provide either the whole of the cost of any experimental construction-work undertaken by it, or a greater proportion of that cost than would normally be payable by the Board. This provision operates in relief of local authorities, which share with the Main Highways Board the cost of the construction and maintenance of main highways. (2) For the revocation of the delegation of its powers made by the Board in favour of a local authority if the Board is dissatisfied in any case with the exercise by that local authority of such delegated powers.

Valuation of Land.—Under the Valuation of Land Act, 1925, the Valuer-General is required from time to time to ascertain the value of all allotments of land situated within the district of any local authority, showing in respect of each allotment : (*a*) The value of the land without improvements (referred to in the Act as the unimproved value) ; (*b*) the value of the improvements ; (*c*) the capital value of the land.

Subject to appeals to an Assessment Court, the values so ascertained are entered upon a district roll and are used, among other purposes, as a basis for the imposition of local rates. The present Act (No. 52) provides that where a Borough Council has adopted the system of rating property on the basis of its unimproved value, the Valuer-General may, on being required so to do, ascertain the *unimproved* value of the land in that district, to the exclusion of other values. The amendment has been made for the purpose of convenience only, for in the event of any revaluation of property all the values above referred to must ultimately be ascertained. As a preliminary step in the process of revaluation, however, it is considered practicable and convenient that the unimproved value may be expeditiously ascertained separately, thus enabling the local authority to give effect without undue delay to a decision to adopt the system of rating on the unimproved value.

Shops and Offices.—Act No. 53 amends in various matters of detail the provisions of the Shops and Offices Act, 1921–2, relative to the hours of employment of workers, and also to the hours during which shops and offices may be open for the transaction of business. The Act relates very largely to matters of detail, and it is impossible to summarize effectively its provisions.

Importation of Seeds.[2]—Act No. 54 is another measure designed to protect the farming community. Certain grass and fodder plants are being increasingly grown for seed in New Zealand, and it is claimed that the New Zealand seed is superior to much imported seed of the same kind both by reason of its greater suitability for local conditions and by reason of its freer germination. Farmers believe that when they specify

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 100.
[2] Written by T. D. H. Hall, Esq., Assistant Law Draftsman.

New Zealand seed they sometimes have foisted upon them cheap imported seed, which gives poor results. The Act requires imported seed to be treated so as to be easily distinguishable. Staining will probably be the method of treatment prescribed. The necessary machinery for the inspection of seeds and the regulation of imports is provided..

Public Service.—By the Public Service Act, 1912, the general body of the Public Service (with the exception of certain special Departments and certain special offices) was placed under the control of a Public Service Commissioner, who became responsible for the appointment, rates of payment, and promotion of officers of the Service. Prior to the passing of that Act the Public Service was controlled by the Government for the time being in power and it was practically impossible to avoid charges of political influence in the matter both of the appointment and the promotion of officers.

The Act passed in 1912 was based on models afforded by Australian legislation, and the success which has attended its operation has been due to the reasonableness and impartiality with which it has been administered rather than to its own merits as a piece of legislation. Owing largely to the political differences inseparable from the subject-matter, the Act has not hitherto been altered in any essential respect. The present Act (No. 60) has been passed with two objects in view, *viz.* (1) to remove certain defects in the Act of 1912, and (2) to provide an amended scheme of appointment, promotion, transfer and appeal which could be adopted more or less in its entirety and applied by other legislation to the two main Departments not subject to the control of the Commissioner, *viz.* the Government Railways Department and the Post and Telegraph Department.

Child Welfare.—1. *Children's Homes.*—The Child Welfare Amendment Act (No. 61) extends and amends the provisions of the Child Welfare Act, 1925. Part I relates to orphanages and other like institutions (in the Act referred to as Children's Homes) established and maintained by organizations other than the State. Every such Children's Home is required to be registered, and the superintendent and other responsible officers appointed under the principal Act are given a right of inspection at all reasonable times. The Minister of Education is empowered to require the controlling authority of a Children's Home to undertake any structural or other alterations of premises which in his opinion may be necessary to secure the safety or other well-being of the children. If default is made in complying with the requisition of the Minister he may, with the concurrence of the Governor-General in Council, cancel the registration of the premises. With respect to the children maintained in a registered Children's Home, the manager on behalf of the controlling authority is given the same powers and responsibilities (other than guardianship) as the superintendent of Child Welfare has under the principal Act in respect of children committed to his care by a Children's Court. Any agreements for payment in respect of the maintenance of a child in a registered Children's Home made between the Manager, on behalf of the controlling authority, and the parent or guardian of the child may be registered in a Magistrate's Court and be enforced as if it were an order made under the Destitute Persons Act.

2. *Children's Courts.*—By the principal Act, passed in 1925, provision was made for the appointment of specially selected magistrates or justices to exercise jurisdiction in Children's Courts. In this respect the

legislation conformed to the systems in operation in England and elsewhere. It has, however, been found impracticable in New Zealand to retain the scheme of specially selected magistrates, and in practice all stipendiary magistrates, as a matter of course, have been appointed to exercise jurisdiction in Children's Courts. As the principal Act originally stood, this necessitated a separate appointment of the same magistrate if he was called on to exercise jurisdiction elsewhere than in the Court over which he habitually presides. The amending Act now provides that a magistrate appointed to exercise jurisdiction in a specified Children's Court shall, without further appointment, be competent to exercise jurisdiction in any Children's Court. With respect to the extent of the jurisdiction of the Children's Court, a certain amount of misapprehension existed in the minds of some of the magistrates appointed to exercise jurisdiction. In particular, it was suggested that a Children's Court had no jurisdiction in relation to indictable offences. It was difficult to reconcile this view with the language of the Statute which contains certain provisions relating expressly and exclusively to indictable offences. Nevertheless, it was deemed expedient in the amending Act to declare precisely the extent of the jurisdiction exerciseable in a Children's Court, and this has been done by a series of declaratory provisions.

These provisions are briefly as follows: (1) Justices[1] sitting in Children's Courts have the same jurisdiction as those sitting in an ordinary Court. (2) In any matter before a Children's Court, the Justices have all the powers which they ordinarily have, *i.e.* to dismiss an information, to commit for trial or sentence, to commit to a Borstal Institution, to admit to probation. (3) In any matter before them, whether an indictable offence or not, they can exercise the special power conferred by s. 31 of the principal Act, *i.e.* to commit a child to the care of the Superintendent.[2]

3. *Children's Court-rooms.*—As passed, the principal Act required that wherever possible a Children's Court should be held elsewhere than in an ordinary court-room. This provision proved somewhat inconvenient in practice, and the law has now been amended to permit of the use of ordinary court buildings for the purposes of a Children's Court, with a direction that as far as possible the children attending a Children's Court must not be allowed to associate with or be brought into contact with persons in attendance at any other Court.

4. *Discharge of Informations Relating to Trivial Offences.*—An important alteration of the law is made by s. 17 of the amending Act. It has been officially stated that informations are frequently made charging children with trivial offences, for example, minor breaches of by-laws, that should not in the interests of the children concerned be dealt with by formal judicial proceedings even in a Children's Court. The section referred to gives to a stipendiary magistrate power to review all informations against a child and to discharge any such informations without a formal hearing if in his discretion he thinks fit so to do. The effect of

[1] Including stipendiary magistrates, who here exercise jurisdiction in their capacity as Justices of the Peace.

[2] It has not been generally recognized that the so-called "Children's Court" is in reality little more than a Children's Court-room where persons competent to exercise jurisdiction in an ordinary Court exercise exactly the same jurisdiction with respect to children, but with an absence of some of the usual formalities, and with certain added powers (that is, those special powers conferred by s. 31).

such discharge will be to cancel the proceedings, so that there will be no judicial record of the matter.

5. *Jurisdiction of Supreme Court in Relation to Juvenile Offenders.*—By the principal Act, the Supreme Court was given jurisdiction to remit to a Children's Court the proceedings relating to any young person charged before the Supreme Court with an offence, if in the opinion of the Court the matter could be more properly dealt with in a Children's Court. The amending Act extends this provision by enabling the Supreme Court itself to deal with young offenders in the same manner as a Children's Court could do.

6. *Extension of Age.*—For the purposes of the principal Act the term "child" has been extended to include all young persons under the age of seventeen years.[1]

Stamp Duties.—Act No. 62 makes a series of minor amendments in the Stamp Duties Act, 1923. The amendments made are of little, if any, general interest. S. 3 makes provision for what must be an unusual case. By the principal Act provision is made determining the method of ascertaining the true value of property in cases where the true value is not expressed in the instrument to be assessed. In the case of land that value is deemed to be the value appearing in the Government valuation roll. It has happened that by reason of a temporary financial depression farm properties have changed hands for a consideration much below the Government valuation. In such a case the principal Act required that in so far as the consideration named in an instrument of transfer was less than the valuation appearing in the valuation roll, the transfer should be treated as if it were a gift and gift duty should be payable accordingly. In cases of the class referred to above the Commissioner has been satisfied that the consideration expressed in the instrument has been a *bona fide* consideration, notwithstanding the disparity between it and the valuation appearing on the Government valuation roll. The Valuer-General has not, however, been prepared to alter his valuation, regarding the reduction as a result not of a true reduction in value but merely of a temporary depression. S. 3 of the amending Act enables the Commissioner in such cases, if satisfied that the consideration expressed in the instrument is not less than the fair market value for the time being of the property transferred, to treat the consideration as adequate, and so exclude any operation of the provisions as to gift duty.

S. 11 of the amending Act makes more stringent provisions to ensure that racing clubs shall pay the totalizator and other duties for which they become liable in respect of race-meetings. It has been known to happen that clubs have disbursed the proceeds of a race-meeting, and have thus left themselves unable to pay the duties owing to the Crown. To prevent a recurrence of such a happening, it is now provided that the amount payable by way of duty in respect of a race-meeting shall forthwith be deducted from the proceeds thereof, and shall either be paid direct to the Department charged with the administration of the Act or shall be paid into a Trust Account. The amendment further provides that, if any duty payable by a club is not paid within the time limited by the Act, the amount unpaid shall be a debt recoverable from the directors, trustees or other persons acting in the management of the affairs of the Club.

[1] Raised from 16 years.

Government Railways.—Act No. 66 relates principally to the administration of the Government Railways Department. The Act makes provision (much on the lines of the Public Service Amendment referred to above) with respect to the appointment of officers of the Department; for promotions and transfers within the Department; for the constitution of a Board of Appeal; and for determining the grounds of appeal possessed by officers of the Department in relation to the decisions of their superiors.

Provision is also made for the erection by the Department of dwelling-houses intended for sale to employees of the Department on lands of the Crown available for railway purposes. This authority to erect dwelling-houses is extended to enable the Department to erect for a member of the Department a dwelling-house on land the property of that member.

Motor-vehicles.—Act No. 68 amends in various particulars the provisions of the Motor-vehicles Act, 1924. The Act of 1924 was drafted on the assumption that on the registration of a motor-vehicle a registration number would be allotted to it and that a registration plate bearing that number would be permanently affixed to the vehicle. It was contemplated in addition that an annual licence to use the vehicle would on payment of the appropriate fees be issued. This system has as a matter of fact not been adopted, but in lieu thereof the system commonly in use in the United States of America, under which a new registration plate is issued annually, has been adopted. One obvious advantage of this latter system is that it readily discloses whether or not an annual licence fee has been paid in respect of any motor-vehicle, for the registration plates of one year differ in colour and design from the plates used in the immediately preceding year. Although a certain amount of exception has been taken by motorists to the scheme, it is understood that from an official point of view it works most satisfactorily. The amending Act alters the Act of 1924 so as to bring it into harmony with the practice that has been adopted in this matter.

By the Act of 1924 it was provided that, except in respect of vehicles plying for hire, no fees should be chargeable in relation to motor-vehicles other than those prescribed by the Act. In the case of vehicles plying for hire, the power of local authorities to prescribe licence fees was preserved. There has in recent years been a considerable development in the transport both of passengers and goods over long distances by motor vehicles, the routes passing through the districts of several local authorities. As the law stood, each local authority along the route was within its rights in charging a licence fee if the vehicle received or delivered passengers or goods within the district. Though the practice of charging such fees was not generally adopted, it was found necessary to limit the right in some way, and by s. 9 of the present amending Act it is provided that where a motor-vehicle is plied regularly for hire between two terminal points situated in the districts of different local authorities such vehicle shall be subject to such charges as may be lawfully made only by the two local authorities within whose respective districts the terminal points are situated.

By the principal Act special provision was made for the issue of dealers' plates to be attached to motor vehicles held by a dealer for purposes of sale. Stringent restrictions were placed upon the use of any vehicle bearing a dealer's plate, practically the only purpose for

which it could be legitimately used being by way of demonstration with a view to sale. Such restrictions were found inconvenient, and moreover were very difficult of enforcement. The amending Act has increased from 10*s*. to £2 the fee payable for dealers' plates and by way of compensation has permitted the use of vehicles bearing such plates for any purpose in connexion with the business of the owner as a manufacturer of, or dealer in, motor-vehicles.

By s. 17 of the amending Act the principal Act is made applicable, as from April 1, 1928, to motor-vehicles the property of the Crown. The reason for this extension is to provide further revenues for main highways, the fees receivable under the Act being by the principal Act made payable into the Main Highways Revenue Account. The former exemption enjoyed by local authorities from the payment of licence fees has also been restricted, and the only vehicles now exempted are those that are used exclusively in connexion with the construction of roads or streets.

Coal-mines.—By s. 2 of Act No. 70 all wages for a period not exceeding six months payable by the owner of a coal-mine in respect of mining operations are constituted an equitable charge upon the owner's interest in the land on which the mine is situated and in all plant, machinery and appliances used for the purposes of coal-mining operations. Every such charge is deemed to have determined on the expiration of twelve months after the date of its creation unless in the meantime proceedings for its enforcement have been commenced.

Insurance Companies' Deposits.—By the Act of 1921–2 insurance companies incorporated and carrying on certain classes of insurance business in New Zealand have been required to make deposits of varying amounts with the Public Trustee as security for the protection of the interests of policy-holders. For the purposes of that Act the term "company" was defined to mean any association of persons, whether corporate or unincorporate. It was held by the Supreme Court of New Zealand that this definition did not extend to include underwriters being members of "Lloyds," carrying on insurance business in New Zealand. By the present Act (No. 71) an obligation to make the prescribed deposits has been imposed upon agents carrying on business in New Zealand on behalf of British or foreign underwriters. In the case of British underwriters the deposit is fixed as follows: (*a*) for fire insurance business, £15,000; (*b*) for employers' liability insurance business, £15,000; (*c*) for other business, £5,000.

The agent of a foreign underwriter is required to make a deposit of £50,000.

Restriction of Rent.—Certain radical alterations in the law relating to the restriction of rent were made by the Rent Restriction Act, 1926, to come into operation as from August 1, 1927. By the Rent Restriction Continuance Act (No. 72) the commencement of these alterations was postponed until May 1, 1928, and the duration of the Act as amended was further extended until January 1, 1929.

Finance.—The Finance Act, No. 2 (No. 74) is a miscellany of financial provisions affecting either the public revenues or the revenues of local authorities. The following are some of its more important provisions:

In Part I (relating to public revenues and public loans) provision is made, *inter alia*, for the grant of a sum of £1,000,000 to the Imperial

Government as a contribution from the Government of New Zealand towards the establishment of a Naval Base at Singapore.

By the Justices of the Peace Act, it is provided that all fines recovered in any Court of Justice shall be paid into and form part of the Consolidated Fund except in cases where special statutory provision exists to the contrary. In many cases, proceedings for breaches of the general law (for example, under the Health Act, the Motor-vehicles Act or the Police Offences Act) are initiated by officers of local authorities in the performance of their duties. Hitherto, in pursuance of the general rule, the fines recovered in such cases have gone into the Public Revenues, and because of this fact, local authorities have sometimes shown a disinclination to take proceedings. By s. 13 of the Act now under review it is provided that, with the consent of the Minister of Finance, all fines so recovered may be paid to the local authority by whom the proceedings were instituted. This provision is limited by a proviso of general application to the effect that where by any Act fines are made payable otherwise than to the Consolidated Fund, an amount equal to 5 per cent. thereof shall in every case be paid in to the Consolidated Fund in aid of the expenses of administration.

Part II of the Finance Act (which relates to the National Provident Fund) extends the provisions of the National Provident Fund Act, 1926, so as to permit of greater elasticity in dealing with applications by employers for the establishment within the fund of superannuation schemes for the benefit of their workers.

By the Scientific and Industrial Research Act, 1926,[1] there was established a Department of Scientific and Industrial Research. One of the functions of the Department so established is to conduct scientific investigations in relation to the primary and secondary industries of New Zealand. The Department has been requested by representatives of persons engaged in the growing and milling of wheat and its conversion into flour to undertake certain investigations having for their ultimate object the improvement of wheat and of flour produced in New Zealand. The industries concerned have expressed their willingness through representatives to contribute towards the cost of these investigations, and Part III of the Finance Act authorizes the initiation of a scheme for the imposition of levies on growers of wheat, on millers and on bakers. The scheme is left to be formulated by regulations and it is provided in the Act that regulations imposing such levies shall not be made unless a meeting is first held of representatives of the persons engaged in the industries concerned, and a resolution recommending the imposition of levies is passed at such meeting.

Prior to 1926 the value of timber trees was included for purposes of local taxation in the value of the land upon which those trees were growing. By the Valuation of Land Amendment Act, 1926, it was declared that the value of such trees was not to be retained on any local valuation roll after March 31, 1927. This provision adversely affected the revenues of certain County Councils in whose districts there are large areas of timber-bearing lands. As partial compensation for the loss of revenue involved, it is provided by s. 28 of the Finance Act that a levy not exceeding "one halfpenny per hundred feet board measure" shall be payable by the saw-miller to the appropriate County Council in respect of "all standing trees cut within its district and converted from the log into sawn timber."

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 105.

Industrial Conciliation and Arbitration.—During the Session, the work of which is now under review, a Bill was introduced excluding from the jurisdiction of the Arbitration Court the farming industry and certain associated industries. This Bill met with considerable opposition and was not proceeded with. The Industrial Conciliation and Arbitration Amendment Act (No. 75) is a temporary measure which provides that no award relating to any agricultural, pastoral or dairying operations, or to any other work effected on a farm, or to the manufacture or production of butter, cheese or other products of milk, or to persons engaged in the industries concerned, shall be made at any time before September 1, 1928.

Electric Power Boards.—Act No. 76 makes several amendments of the Electric Power Boards Act, 1925. Under the principal Act, an electric-power Board has authority to levy certain rates over all lands in its district notwithstanding that with respect to some of those lands no provision is made or is likely in the near future to be made for the supply of electric power. In the case of rates levied to provide for the ordinary expenditure of an electric power Board, the principal Act requires that such rates shall be uniform over all lands subject thereto. It is recognized that lands for the benefit of which no power is or is likely to be made available cannot be equitably charged at the same rate as lands for which power is available, and the amending Act enables an electric-power Board to determine, before making a rate, that the full amount thereof shall be payable with respect only to properties for the benefit of which, at the time of making the rate, a supply of electric power is available at a point not more than ten chains distant from the boundary.

S. 10 of the amending Act relates to sinking funds provided in respect of loans raised by electric-power Boards, for the purposes of electrical undertakings, and confers on a Board authority to suspend payments into the Sinking Fund for a period not exceeding five years, while the revenues of the undertaking are insufficient to meet the working expenses, interest on the loan and depreciation charges. This section is based upon the provisions of s. 4 of the Local Authorities (Financial Provisions) Act, 1921 (Imperial). The only other provisions of general interest contained in the amending Act have reference to the establishment of Fire insurance funds, Accident funds, Depreciation funds and Reserve funds and for the temporary investment of those funds pending their application for the purposes for which they were severally established. The machinery provisions relevant to the establishment, investment, and application of the said funds are in accordance with the requirements of the Government Audit Office.

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* His Honour Sir A. K. Young, *Chief Justice.*]

During 1927 thirty-three Ordinances were passed; the principal of these were:

Bank Vouchers.—Ordinance No. 1 permits of the destruction of cheques, bills of exchange, promissory notes, etc., in the possession of a bank and made payable at that bank, after the expiration of ten years

from date thereof, in the case of documents payable on demand, or ten years from the date when they become due, as the case may be.

Passports.—No. 2 revises the law on the subject as applicable to British subjects and aliens.

Masters and owners of ships are held liable for any expense incurred in consequence of any person landing from their ship contrary to the provisions of the Ordinance.

Live Stock.—No. 3 establishes an Association for the purpose of maintaining the breed of pure-bred domestic animals.

Rotuma.—The island of Rotuma and its dependencies with a population of some two thousand inhabitants have hitherto occupied a unique position although included in the Colony of Fiji, in that the Supreme Court of the Colony had no jurisdiction over the island, and the only appeal from the Resident Commissioner's Court was to the Privy Council; this anomaly has now been removed by Ordinance No. 9, which brings Rotuma into line with, and, so far as the administration of justice is concerned, places the island in the same category as any District of the Colony. The Ordinance, however, creates a Board, to be called "The Rotuma Regulation Board," with power to make regulations for the good government and well-being of the natives of Rotuma and its dependencies.

Contracts with Natives of Rotuma.—No. 10 revises the law on the subject. Provision is made for the registration of executory contracts exceeding twenty pounds. A native, however, may, if deemed expedient, be exempted from the provisions of the Ordinance.

Copra.—No. 32 has for its object the raising of the standard of copra produced in the Colony. An exporter of copra requires to be licensed under the Ordinance. Certain offences are prescribed by the Ordinance relating to the production of copra. The Ordinance deals with the exportation of imported copra. Places are fixed from which copra may be exported, and to which copra may be brought for inspection and grading. A somewhat curious provision of the Ordinance is that to purchase "whole coconuts" for the purpose of making copra is made an offence. This, it is understood, is intended to prevent small storekeepers from buying stolen coconuts: its effect remains to be seen. The standard of "Fiji first" and "Fiji second" grade of copra is determined by the Ordinance, and the bags in which the copra is exported are required to be marked accordingly.

Twenty-three of the remaining Ordinances consist of short amending Ordinances and are not of any general interest.

2. WESTERN PACIFIC HIGH COMMISSION.

(i) The Gilbert and Ellice Islands Colony.

During the year 1927 eight Ordinances were passed.

Explosives.—No. 1 regulates the use and sale of explosives. This Ordinance becomes necessary owing to the operations on Ocean Island of the British Phosphate Commission. The expression "explosive" has been widely defined, but does not include cartridges for firearms. A licence is required to use or sell explosives, and conditions applying to licences are prescribed.

Oaths.—No. 3 relates to the taking of oaths or affirmations in lieu of oaths.

Leper Asylum.—No. 4 makes provision for the establishment of a leper asylum and for the control of lepers—it prescribes the steps necessary before a person can be detained in the leper asylum. Provision is made for the conditional discharge of a leper from the asylum. Any person detained as a leper may obtain permission to erect for himself his own dwelling-house within the limits of the leper asylum. The duty of giving notice to the proper authority of a case of suspected leprosy is imposed on certain persons. The schedule to the Ordinance contains Regulations dealing with the management and discipline of the leper asylum and the duties of its staff and patients. Patients are liable to punishment for breaches of the Regulations applicable to them, either by small fines or separation for a few days, not exceeding seven.

Passports.—Ordinance No. 5 closely follows Fiji Ordinance No. 2 above mentioned. The schedule to the Ordinance contains Regulations relating to application for the granting of passports. The charge for a passport is *7s. 6d.*

Lunatics.—No. 6 relates to the care and custody of lunatics. The provisions of the Ordinance are those to be usually found in similar legislation, except that, owing to the limited number of medical practitioners available, a Deputy Commissioner after inquiry may, in certain cases, commit a person found by him to be a lunatic to the lunatic asylum without the assistance of medical evidence. In any such case the Deputy Commissioner is required to forward to the Medical Officer in charge of the asylum a copy of the evidence upon which he formed his opinion. The Medical Officer in charge has power to discharge a patient if he considers him fit to be discharged; and every three months, at least, every lunatic in the asylum is to be inspected by a Board of Visitors.

Drugs and Poisons.—Ordinance No. 8 regulates the importation, exportation, manufacture, sale or use of drugs and poisons, and has been passed for the purpose of giving better effect to the Geneva Convention of February 19, 1925. Its provisions closely follow those of Fiji Ordinance No. 19 of 1926.[1] The schedule of the Ordinance contains Regulations controlling the importation and exportation of drugs and of drugs in transit. These regulations are based on articles dealing with the same subject to be found in the Geneva Convention, and are to be read and construed accordingly.

(ii) British Solomon Islands Protectorate.

During the year 1927 ten laws, styled King's Regulations, were made.

Gambling.—No. 2 prohibits the playing of games by natives for money or money's worth. Any person who permits gambling by natives on premises owned or occupied by him, or who supplies money for the purpose, is liable to a penalty. A District Officer, headman or village constable may enter any house in a native village without a warrant for the purpose of the Ordinance.

Oaths.—No. 6 is similar to Ordinance No. 3 of the Gilbert and Ellice Islands Colony.

Mining.—No. 7 is a comprehensive Regulation relating to prospecting for and mining metals and other minerals.

The Regulation does not apply to mineral or crude oil. Minerals,

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. ii, p. 114.

inter alia, include phosphates, The Regulation provides for the issuing of miners' rights, prospecting licences and mining leases. Power is taken to acquire land for a mining area. An applicant for a mining lease is required to show that he has sufficient capital for the proper working of the lease. A licence-holder, who reported the discovery leading to a mining area being proclaimed, has a prior right to a lease for mining of such area; a lease shall not, as a rule, exceed twenty-four acres at an annual rental of 5*s*. per acre in the case of precious metals and other minerals, and 1*s*. per acre in the case of coal. Royalties payable are 2*s*. per ounce on gold, 6*d*. per ton on coal and 2½ per cent. of the estimated value of precious metals and other minerals contained in the ore. Royalties in certain cases, subject to deductions for the use of the Protectorate Government, are to be held in trust by the Crown for the owners of the land, if natives, and used for their benefit. The schedule to the Regulation contains rules for the better working of the Regulation. Forms of (1) miner's right, (2) prospecting licence and (3) mining lease are included in the rules.

Passports.—No. 8 is similar to Ordinance No. 5 of the Gilbert and Ellice Islands Colony.

(iii) The Kingdom of Tonga.

Bills of Sale.—By No. 9 the law hitherto in force in Tonga has been revised and brought up to date on the lines of the Bills of Sale Acts, 1878 and 1882 (Imperial).

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* A. A. Schoch, Esq., *Law Adviser to the Union Government.*]

In 1927 the Union Parliament passed 44 Acts. Many of these were either amending Acts or financial measures of a temporary nature. Those of general interest are the following:

Intercourse between Europeans and Natives.—Act No. 5 aims at the restriction of miscegenation and prohibits illicit carnal intercourse between European males and native females, and between native males and European females, and also prohibits various acts facilitating such intercourse. A contravention of the Act by a person born outside the Union is in nearly every instance made a deportable offence.

Land Surveys.—Act No. 9, consisting of 8 chapters, consolidates and amends the pre-Union Survey Laws of the four Provinces.

It does not make any drastic alteration in the existing laws. The four Surveyors-General (*i.e.* one in each Province) are maintained and their offices are treated as a continuation of the corresponding offices under the old regime.

The Act also provides for the appointment of a Director of the Trigonometrical Survey, whose duty it is to conduct trigonometrical, topographical, level and tide surveys. In this respect, too, the Act in effect continues existing conditions.

An innovation is introduced in the establishment of the Survey

Board (consisting of the four Surveyors-General and the Director of the Trigonometrical Survey) for the purpose of controlling all survey matters in the Union with a view to bringing about uniformity of practice.

The Act further makes provision for the appointment of a Director-General of Surveys, who, on appointment, takes the place of the Survey Board.

The Act introduces another innovation in the form of a Survey Regulations Board—a body consisting of the four Surveyors-General, the Director of the Trigonometrical Survey, a member of the Deeds Office Regulations Board and four representatives of the various land surveyors institutes or associations. This board is empowered to make regulations on numerous survey matters.

In c. II the Act deals with the qualifications and duties of land surveyors.

C. III deals with various forms of survey, approval of diagrams by a Surveyor-General, the settlement of boundary disputes by arbitration and the substitution of incorrect diagrams.

C. IV deals with the survey of land for the purpose of its division and c. V deals with the resurvey of townships and villages.

In c. VI the fundamental conflict between the former Transvaal law which made an approved diagram an " unassailable document " and the former law of the other Provinces, which afforded greater sanctity to beacons than to diagrams, has been laid at rest, and the Transvaal principle has been rejected in favour of the principle of unimpeachability of lawfully established beacons and boundaries.

C. VII contains various provisions relating to general plans (*i.e.* diagrams showing two or more contiguous but separate pieces of land) and other diagrams, and c. VIII provides for miscellaneous matters in connexion with surveys.

Administration of Justice.—In Act No. 11 a provision is made for a quorum of four Judges of Appeal, where s. 110 of the South Africa Act, 1909 (before its repeal by the Act under consideration), required five. As the Appellate Division of the Supreme Court consists of five judges, the provision requiring a quorum of all five judges was found extremely inconvenient when one of those judges was temporarily absent. Under the new provision when four judges hear an appeal and they are equally divided as to the judgment to be given, the judgment appealed from stands as the judgment of the Appellate Division.

Another important provision of this Act is the abolition of trial by juries in civil cases. The Transvaal and the Orange Free State law knew no trial by jury in civil cases, but in the Cape Province and in Natal civil cases could be tried before a jury. In practice civil jury trials were resorted to almost exclusively in actions for damages where the defendant was considered to be in a position to pay a large amount —such as the State or a Corporation. The results were generally most unsatisfactory from a legal point of view and it became highly desirable to bring the Cape and Natal laws into line with the laws of the other provinces.

Chartered Accountants.—Prior to the passing of Act No. 13 the position of accountants was regulated by statute in the Transvaal and Natal only, whereas in the Cape Province and the Orange Free State the accountants were merely associated under the companies laws. Conse-

quently, in the two latter Provinces there was nothing to prevent a person from holding himself out as a qualified accountant, even if he held no recognized diploma as such.

The body of the Act, consisting of only one section, now entitles certain persons to describe themselves as chartered accountants and makes it unlawful for any other person to describe himself as such.

Wesleyan Methodist Church.—In England the Wesleyan or Methodist Church is governed by a body called the Yearly Conference, which had, prior to the passing of Act No. 17, also jurisdiction over the same church in South Africa. But in regard to the Cape, Natal and Orange Free State Provinces, the Yearly Conference delegated its powers to the South African Conference of that Church. The Act aims at making this delegation permanent and irrevocable and at giving the South African Conference a separate and independent status, with powers to alter its constitution and make rules for the government of the Church in those Provinces in conformity with Methodist doctrines.

The Act further provides for the vesting of all Methodist Church property within the said Provinces, as entered in a schedule deposited with the Minister of Lands, in the President of the South African Conference for the benefit of the Church.

Lastly, the Act provides for the extension of the jurisdiction of the South African Conference so as to include the Transvaal, where the Methodist Church is at present still under the jurisdiction of the Yearly Conference referred to above.

Architects and Quantity Surveyors.—In Natal and the Transvaal the position of architects was defined by pre-Union statutes and in the Transvaal there was also a pre-Union statute dealing with quantity surveyors; but not so in the Cape and Orange Free State Provinces. There were, however, associations or institutes of architects in all the four Provinces, and each of these is constituted a corporate body under Act No. 18. In addition to these, the Act creates a further corporate body, *viz.* the Institute of South African Architects (consisting of all the members of the four provincial institutes), which embraces the South African Institute of Quantity Surveyors created by the Transvaal statute referred to above, under the new name of "the Chapter of South African Quantity Surveyors." It is a curious feature of the Act that this chapter is declared to be "within the Institute of South African Architects," although it is itself as much a corporate body as the Institute.

The Act provides for the government of the institutions which it creates and for the enrolment of members and the exercise of control over them, and prohibits any person who is not so enrolled to hold himself out as an architect or quantity surveyor, as the case may be.

When the Bill from which this Act was evolved was introduced into Parliament it contained the important provision prohibiting unqualified persons from acting as architects or quantity surveyors, respectively. But this principle had to be abandoned during the passage of the Bill.

Work Colonies.—Act No. 20 is intended to empower the authorities to cope with the increasing number of indigents who are able but unwilling to work and who become a burden to the community and a danger to the State.

It provides for the establishment of work colonies where (*a*) persons over twenty-one years of age who are habitual beggars or indigents who

fail to maintain their dependents and who have refused suitable work, and (*b*) persons over eighteen years of age convicted of certain offences, may be detained under proper control and subject to various regulations, in an endeavour to train them to habits of industry. A person so detained is, *inter alia*, deprived of the franchise.

Export of Certain Minerals.—A considerable quantity of minerals other than precious stones and precious metals (*e.g.* corundum and mica) is exported from the Union, and the export of an inferior quality of these minerals without designation of their quality is calculated to injure the exporter of superior qualities and the industry in question as a whole. Act No. 35, therefore, empowers the Governor-General to declare any mineral to be a restricted mineral and thereafter no such mineral may be exported from the Union unless it has been graded and certified to be of a particular grade or designation under which it must be exported.

Immigration of Indians.—Act No. 37 was passed in order to remedy certain defects which had become apparent in the Union Laws in regard to immigration and Asiatics and to give effect to an agreement between the Union Government and the Government of India with regard to the position of Indians in the Union.

It further provides for a scheme of assisted emigration for Indians. Indians willing to emigrate under this scheme receive a free passage and financial assistance. Such Indians may not return to the Union within a year after their departure, and they abandon their claims to domicile in the Union unless they return thereto before the expiry of the third year after such departure. Married Indians may emigrate from or return to the Union under this scheme not otherwise than with their families.

Native Administration.—Act No. 38 is a consolidating measure of far-reaching importance. It confers upon the Governor-General as Supreme Chief in respect of all natives in Natal, Transvaal and the Orange Free State, the very extensive powers which were, prior to the passing of this Act, vested in him in respect of all natives in Natal. In c. I provision is made for the appointment of chief native commissioners, native commissioners and assistant native commissioners, upon whom, under c. IV, very wide judicial powers in regard to natives are conferred but subject to the jurisdiction of native appeal courts. C. II regulates the responsibility of the members of a tribe for liabilities incurred by their chief and the institution of legal proceedings against a native chief or his tribe in regard to land. This chapter, further, empowers the Governor-General to amalgamate or divide tribes and define tribal areas, as also to remove tribes or portions of tribes or individual natives from one place to another in the Union.

C. III provides for the transfer of the functions of Registrars of Deeds to Chief Native Commissioners in regard to certain land owned by natives, and deals with various other matters relating to land tenure.

C. V recognizes and affords a certain degree of protection to marriages according to native custom and regulates various property rights based on marriage and succession, especially in regard to land.

C. VI extends to all native areas under the Natives Land Act, 1913, a principle which has been in vogue in the Transkeian territories ever since their annexation to the Cape Colony, in that it empowers the Governor-General to legislate by proclamation in those areas.

C. VII confers upon the Governor-General extensive powers to frame

regulations relating to natives generally, apart from his legislative powers within native areas. It further contains provisions prohibiting the promotion of feelings of hostility between natives and Europeans—a measure prompted by the pernicious class or race propaganda which has for years past been conducted among the natives in the larger industrial centres.

Union Nationality and Flags.—Act No. 40 in its first chapter defines Union nationals as follows: (*a*) persons born in the Union who are not aliens; (*b*) British subjects (other than prohibited immigrants) who entered the Union from abroad and have been domiciled therein during at least two years, so long as they retain their Union domicile; (*c*) persons naturalized in the Union and domiciled therein continuously for three years, so long as they retain their Union domicile and do not become aliens; (*d*) children of Union nationals born abroad.

The provisions in regard to the status of children, married women and widows follow closely those of the British Nationality in the Union and Naturalization and Status of Aliens Act, No. 18 of 1926.

Provision is further made for the renunciation of Union nationality by persons born in the Union who are or become according to the law of the United Kingdom or a Dominion or a British Possession a national also of that kingdom, dominion or possession.

The second chapter provides that the flags of the Union shall be (*a*) the Union Jack, symbolic of the association of the Union with the other dominions of the British Commonwealth; and (*b*) the National Flag of the Union.

Precious Stones.—Act No. 44 is one of the very few Acts in the statute-book of the Union which was passed in a joint sitting of the members of the Senate and of the House of Assembly in terms of s. 63 of the Act of Union, as a result of its rejection by the Senate during a previous Session of Parliament.

It is a consolidating Act of considerable importance. It repeats the corresponding provincial statutes and re-enacts their main provisions, but with far-reaching modifications. The provincial statutes contained innumerable lacunæ and anomalies which, at times, caused confusion and grave inconvenience, more particularly since the enormous expansion of alluvial diamond digging which occurred during the last few years. The Act under consideration aims at the correction of these errors and omissions. But it is not only a consolidating and amending Act in a strict sense. It introduces several entirely new principles of great importance. The most notable of these are to be found in ss. 2, 73 and 115.

As regards s. 2, nearly all land in the Union granted by the State to private persons contains a reservation of certain minerals in favour of the State. But in the Cape Province a number of properties were granted many years ago without such a reservation and the mineral rights of the owners of those properties were therefore much more extensive than the mineral rights of owners of land wherein the minerals had been reserved to the Crown. Now the effect of s. 2 is to impose the same reservation of precious stones in favour of the Crown in respect of all properties which were originally granted without such a reservation as existed from the outset in respect of properties granted subject to such a reservation.

S. 73 precludes a company, syndicate or partnership from acquiring

any interest in the recovery of precious stones from alluvial soil. The object of this provision is to leave all alluvial diamond digging (which, as a rule, is not dependent upon any large capital) in the hands of individual diggers.

Lastly, s. 115 enables the Government to control and restrict the output of alluvial diamonds in order that their value may not be unduly depreciated as a result of overproduction. This is an extension to alluvial diamonds of the general restrictions on diamond production contained in Act No. 39 of 1925, but which were in effect only applicable to diamonds recovered from mines and not to alluvial diamonds.

2. CAPE OF GOOD HOPE.

[It is hoped to publish this Summary in the next *Review*.]

3. NATAL.

[*Contributed by the* HON. MR. JUSTICE TATHAM, D.S.O.]

The Provincial Council in 1927 passed 18 Ordinances which received the assent of the Governor-General in Council. Five of these, however, were merely to appropriate the provincial revenue fund to the ordinary services entrusted to the provincial authorities. The others were for the most part short amending pieces of legislation. For example:

Fisheries.—No. 4 amends the Fisheries Ordinance of 1916 by enabling the Administrator to suspend the obligation to obtain licences for taking mussels and oysters.

Dog Tax.—No. 5 amends the Dog Tax Ordinance, 1926, by reducing the tax to 10*s*.

Rural Dealers Licensing.—No. 7 amends the Rural Dealers Licensing Law Amendment Ordinance, 1923, in respect of meetings of rural licensing boards—the renewal of trading licences and objections to such renewals.

Health Boards.—No. 8 remedies an omission from the Local Urban Areas Administration Ordinance, 1926, by enabling local health boards to acquire and hold immoveable property and to alienate the same, in each case, subject to the Administrator's approval.

Proclamations.—No. 9 validates proclamations informally issued under the same Ordinance, and elections and appointments made under the informal proclamations.

Town Council.—No. 10 confers additional powers on the Durban Town Council in respect of the installation of telephones, the suppression of vagrancy, the licensing of tailoring establishments, the possession of dangerous weapons, the use of loud speakers, the supply of electric appliances outside the borough, and the erection of petrol pumps on the public footpaths.

Teachers' Pensions.—No. 12 amends the Teachers' Pensions Ordinance, 1913, by enabling refunds of contributions without interest to be made to teachers who, discharged on account of misconduct, would otherwise forfeit all rights to benefits under the Ordinance.

Road Traffic.—No. 13 amends the Motor-car and Road Traffic Ordinance, 1926, in respect of various matters such as the temporary registration of cars brought into the Province by visitors—the allocation of special numbers and letters to motor-car dealers—the number of

persons who may be carried as passengers on omnibuses—the carrying of certificates by licensed drivers, the fixing of tariffs for taxicabs and omnibuses—speed limits, etc.

Totalizators.—No. 15 amends Ordinance 7 of 1921 relating to the tax upon the use of totalizators by providing that when the amount paid into the totalizator at any race-meeting exceeds £2,500 but does not exceed £7,500 the tax payable shall be equal to 5 per cent. on the amount paid in.

Rating.—No. 16 amends the urban rating laws by exempting from rateability boarding-houses, land and buildings used in connexion with schools and hospitals; also ecclesiastical properties.

Taxation.—No. 17 amends Ordinance 27 of 1926 in regard to personal or poll tax and provincial income-tax by making the personal tax for the current year £1 in respect of persons whose incomes do not exceed £250, while in respect of persons whose incomes exceed that amount the tax is to be 1*s.* for each £10 above £250 with a minimum tax of £2. The provincial income-tax, in the case of individuals, is fixed at 7½ per cent. of the aggregate amount paid to the Central Government as normal tax and super-tax on so much of the taxpayer's income as is derived from sources within the Province and in the case of companies 3*d.* for each £1 of such portion of its taxable income as the revenue authorities determine to have been derived from a source within the Province.

Two other Ordinances deal with local matters—a park in Durban and the use of certain lands at Eshowe in Zululand for a railway siding.

4. ORANGE FREE STATE.

[*Contributed by* H. Pring, Esq.]

Twelve Ordinances were passed by the Provincial Council of the Orange Free State during the year 1927—of these five were Appropriation Ordinances, *i.e.* Nos. 2, 3, 4, 5 and 11.

Wheel Tax.—Ordinance No. 1 amends and amplifies Ordinance No. 7 of 1926 (Compounded Wheel Tax Ordinance) with a view to securing the revenue payable thereunder and to preventing certain irregularities which had occurred.

Ordinance No. 10 supplements the law relating to the registration of motor-cars and the payment of wheel tax, and amends in certain respects the Motor-car Ordinance No. 7 of 1914 and the Wheel Tax Ordinance No. 8 of 1921.

Pensions.—Ss. 18 and 26 of the Teachers' Pensions Ordinance No. 8 of 1920 did not clearly define the powers and functions of the Pensions Board. Ordinance No. 6, entitled the Teachers' Pensions Further Amendment Ordinance, was, therefore, passed to remove all doubt in this respect.

Licences.—The Licences Consolidation Ordinance No. 15 of 1921 is amended by Ordinance No. 7 to provide for the better control of eating-houses. The Ordinance deals only with eating-house keepers trading within the limits of the surveyed erven of any town or village but not with similar establishments situated within native locations or other native areas.

Local Government.—Ordinance No. 8 amends the Local Government Consolidation Ordinance No. 11 of 1925.

The amendment of s. 130 of the principal Ordinance has become necessary as a result of numerous representations made by municipalities who have not the power to supply electricity outside the area of their jurisdiction.

S. 133 of the principal Ordinance provides only for the temporary closing of any street or thoroughfare. Provision is now made for permanent closing under certain restrictions. This addition will bring the Ordinance into line with the Survey Act, 1927, in so far as that Act deals with permanent closing of streets or thoroughfares and the amendment of the general plan of any township.

The provisions of this Ordinance will not take effect until the Survey Act, 1927, becomes operative.

Entertainment Tax.—The various Ordinances dealing with the entertainment tax are consolidated and re-enacted in Ordinance No. 9.

The Ordinance is in every respect existing law with the exception of an addition in s. 10 which makes it clear that exemption can only be granted in respect of entertainments, the proceeds whereof, after deducting reasonable expenses, are to be devoted wholly to charitable or educational purposes in the Orange Free State. The procedure to be followed in regard to such exemptions is more fully described.

Roads.—Ordinance No. 12, entitled the Road Board Districts Further Delimitation Ordinance, amends the Wheel Tax and Road Board Consolidation Ordinance No. 8 of 1921 (as amended by Ordinance No. 5 of 1926) to provide for the subdivision of each Road Board district into four wards, and for the election of a member of the Board from each such ward, thereby ensuring a better and more equal representation of every part of the district. S. 2 postpones the triennial election until such time as the delimitation of wards is completed.

5. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ., *and* V. ROSENSTEIN, ESQ., *Advocates*.]

Twenty-one Ordinances were passed, of which five were Appropriation Ordinances.

Local Authorities' Elections.—No. 4 is a consolidating Ordinance dealing with the election of members to Municipal and Village Councils. The following Ordinances are repealed: 8 of 1912; 2 and 10 of 1914; 4 of 1918; 9 of 1917; 13 of 1925, and ss. 119 to 135 inclusive of Ordinance 11 of 1926. The repealed provisions are re-enacted in the Consolidating Ordinance

Hospital Nurses' Pensions.—Ordinance No. 6 amends the Transvaal Hospital Nurses' Pensions Ordinance, No. 13 of 1919, in the following respects. The section dealing with contribution to the Pension Fund by probationers is deleted, and the Ordinance provides for the repayment to probationers of all moneys paid into the fund by them.

Motor-vehicles.—No. 7 amends the Motor-vehicle Ordinance (6 of 1915) as amended by subsequent Ordinances.

S. 9 is repealed and re-enacted with slight variations. (This section deals with the granting of numbered certificates to motor-dealers for use on cars before they are sold.)

S. 3 is amended by making it an offence for a person to allow his car to be used without a licence.

S. 4 is amended by increasing the minimum age at which a driver may obtain a driver's licence for either a motor-car or a cycle, to seventeen years. The examining body shall grant certificates of competence only to applicants resident within the area of their jurisdiction. It is further provided that duplicates may be issued in respect of licences that have been lost or destroyed. A new subsection makes it an offence to supply wrong information when applying for a licence.

S. 5 is repealed and a new section enacted which provides that holders of licences of other provinces may drive the vehicles concerned in the Transvaal for three months without being obliged to take out a new licence.

S. 6 is amended by diminishing the number of offences for which drivers' licences may be suspended or withdrawn to contraventions of ss. 4(3), 8, 9, 10, 11, 12, 14, 15 and 16 of the Ordinance and to offences under any other law involving negligent or careless driving. A new subsection provides that a Court may cancel a driver's licence on proof that the holder is afflicted with any such physical defect as would constitute grounds under which an examining body might refuse to grant a certificate of competence.

S. 14 is amended by the addition of a subsection making it an offence for an owner of a motor-vehicle to refuse wilfully to supply a police officer with the name and address of the person who was in charge of his vehicle at any particular time.

S. 15 is repealed and re-enacted with the following alteration, that the penalty for riding or driving a vehicle without the permission of the owner is increased to a fine of £25 (or in default imprisonment not exceeding three months) for the first offence, and to a fine of £100 (or six months' imprisonment) for subsequent offences.

S. 19 is amended by the addition of subsections providing for the control by the Administrator of the types of lamps to be used on motor-vehicles, and for the constitution of committees to advise the Administrator on any matters connected with motor-vehicles.

A new section (9 of this Ordinance) provides that a Commissioner of Police may fix the routes and stopping places to be used by all motor-vehicles licensed as public vehicles for the conveyance of passengers.

Ordinance No. 18 amends the Motor-vehicle Ordinance of 1915. The principal amendment in this Ordinance is one forbidding a licensed native driver to drive Europeans in a vehicle (this amendment has been declared *ultra vires* in *R.* v. *Mogoboya*, 1928 T.P.D. 234).

The other amendment forbids a driver of a motor-cycle from carrying more than one passenger, who shall sit on the pillion. The pillions shall be provided with suitable foot-rests.

Shop Hours.—Ordinance No. 8 amends the Shop Hours Ordinance, 5 of 1923. S. 3 is amended by providing that all shops shall be closed as from 1 p.m. on Saturdays instead of being closed on Wednesday afternoons as was previously the case. The whole of the Ordinance is amended where necessary to comply with this arrangement.

Ordinance No. 15 further amends the Shop Hours Ordinance, 5 of 1923, by extending the provisions as to the opening and closing of shops to shops outside the five-mile radius therein described.

Horse-racing and Betting.—Ordinance No. 9 provides for the control of Horse-racing and Betting. This is a consolidating Ordinance which repeals the following Ordinances and re-enacts them with the

more important alterations shown: Horse-racing and Betting Restriction Act, 1909; the Amending Ordinances of 1917 and 1918; the Betting Ordinance of 1918; and the Amending Ordinances of 1921 and 1922.

The main alteration consists in prohibiting any person whatsoever from printing, publishing or circulating any forecasts of the result of any race or any information relating to the betting odds on any particular race. The Committee of Tattersalls Club may, however, where so authorized by the Administrator, publish the betting odds on any particular race.

General Dealers Control.—Ordinance No. 10 amends the General Dealers (Control) Ordinance 12 of 1926.

A new subsection is added prohibiting a general dealer from transferring his premises during the course of the year from premises licensed for that year to other premises unless he obtains a certificate therefor (s. 2).

A new subsection is added providing that an applicant for a certificate in respect of a new licence shall exhibit in a prominent place on the premises a notice stating his intention to apply for such certificate (s. 5).

A new subsection is added that a local authority or board may refuse a certificate in respect of a kaffir eating-house or native restaurant if, in the opinion of the authority, the number already existent is in excess of the requirements of the neighbourhood (s. 6).

S. 14 is repealed and a new section substituted providing: If applications are refused on the grounds of the unsuitableness of the locality or undesirability of the person, the board shall not consider fresh applications until six months have expired from the date of the refusal. In the case of refusals on the ground that the applicant is not fit to handle foodstuffs or that the business would cause a nuisance, fresh applications shall not be considered for twelve months. In the case of a refusal on the grounds mentioned in the addition to section (6) as above, a period of six months must elapse before a fresh application can be considered.

Roads.—Ordinance No. 11 amends the Road Ordinance, 5 of 1912, amended by Ordinance 8 of 1913, as follows:

The provision is added, making it an offence for a person to use a road which is temporarily or partially closed under the provisions of the Ordinance (s. 7 (2)).

The provision is added making it an offence for a person to use a road while under construction or repair (s. 14).

There are minor amendments to ss. 26 and 61, whilst an amendment to s. 2 of Ordinance 8 of 1913 deals with the driving of vehicles drawn by animals not controlled by reins.

Ordinance No. 19 provides for the establishment of a Roads Fund.

The Ordinance establishes a fund to be used for the construction and maintenance of provincial roads. Certain sums are to be paid annually from the Provincial Revenue Fund into the Roads Fund and to meet this the Annual Licence Fees for Motor Vehicles are doubled.

Pensions.—Ordinance No. 14 provides for the payment of pensions, etc., to certain persons serving in provincial hospitals and to certain School Board officials.

S. 2 provides for the establishment of the fund, which shall consist of contributions by the officers concerned, sums and interest and such other sums out of the revenue as provided for by the Ordinance.

S. 3 provides for the rate at which officers (as defined in the schedule)

shall contribute to the fund. Special rates are laid down for male and female officers over forty years of age if such officers elect to contribute. The age limits are between sixteen and fifty years in the case of males and between sixteen and forty-five years in the case of females. No officer shall contribute whose pensionable emolument is less than £90 per annum. Provision is made for temporary or probationary officers who may elect to contribute.

Ss. 4 and 5 provide for officers contributing to the fund in respect of past services as from December 31, 1904.

The remaining provisions are of the type usual to such funds. Compare the Teachers' Pensions Ordinance, 5 of 1916.

Local Authorities—Rating Amendment.—Ordinance No. 16 further amends the principal Ordinance (6 of 1912) and the Amending Ordinance (1 of 1916) and subsequent amending Ordinances as follows, s. 3 of the principal Ordinance by (*a*) enabling the share of the owner in various other interests in proclaimed land to be rated under the term "Freeholder's licence interest" under which, in addition to his share of claim-licence moneys made rateable in 1916, are now included his share of: licence moneys payable in respect of residential, trading and industrial stands granted under the Gold Law of 1908; rents payable under s. 3 of the Bewaarplaats Moneys Act of 1917; under the Mining Leases Act of 1918; and under c. IX of the Gold Law of 1908; and the consequential amendments thereby made necessary; (*b*) by substituting for subs. 5 of the definition of "interest in land" the following amended definitions: (i) Any user of proclaimed land whether or not held under a claim licence or other mining title for residential purposes or purposes not incidental to mining. (ii) Any occupation, by reason of the existence thereon of buildings and improvements, of proclaimed land or land which though held under mining title is not proclaimed, where no lawful authority for such occupation under any law relating to the exploitation of precious and base metals exists, and where such buildings are used for residential purposes or purposes not incidental to mining operations and the consequential amendments rendered necessary by (*a*) and (*b*) (i) and (ii). (*c*) By a new definition of "open proclaimed land" to mean and include for purposes of this Ordinance "all proclaimed land (*i.e.* land proclaimed a public digging under the Gold Laws of 1908 and 1898 or prior law provided such land has not been lawfully deproclaimed) which is not held under mining title or surface right and which has not been reserved or granted for any purpose under the Gold Law of 1908 or any amendment thereof," and its inclusion under "rateable property." (*d*) By adding to the definition of "owner" to include the person occupying or exercising ownership of the buildings and improvements referred to in (*b*) (ii) above.

By ss. 3 and 4 the inclusion of the owner of proclaimed land's "present and reversionary rights to the surface of such land" in "rateable property" has been done away with, and Ordinances 12 of 1918 and 9 of 1919 dealing therewith have been repealed.

By s. 5 a new provision is made for general valuation providing for a triennial valuation for certain scheduled local authorities, and a quinquennial valuation in the case of others on application therefor in accordance with the procedure laid down.

By s. 7, s. 8 (3) of Ordinance 1 of 1916 is amended by the addition of certain words which had clearly been omitted in error, and the addi-

tion of a proviso exempting from rating, improvements upon industrial stands (whether upon land held under mining title or not) granted for factory purposes, save and except when and as a rate is levied upon improvements generally under s. 8 (4) thereof.

By s. 8 the buildings and improvements referred to in (*b*) (ii) above whether moveable or immoveable are required by their owners or agents to be registered (subject to criminal penalties) in a register to be kept for that purpose by the local authority, containing particulars thereof, of the extent of land occupied, and the names and addresses of the owners or their agents; similarly any alienation thereof is to be so registered within fourteen days from the date thereof; and the persons in whose names such buildings, etc., are registered are made liable for the rates, and the buildings liable to sale in execution in satisfaction thereof. Further, the local authority may refuse to register any change of ownership until arrear rates (as provided in s. 49 of Ordinance 11 of 1926) have been paid.

Teachers' Pensions.—Ordinance No. 17 provides mainly for different methods of payment and slightly different rates of contribution. The retiring age for females is raised from fifty to fifty-five years.

Pounds.—Ordinance No. 20 amends the Pounds Amendment Ordinance (10 of 1926) by providing that the sale of impounded donkeys shall be held not less than twelve days after the notices have been published instead of within twelve days of such notices.

Education.—By Ordinance No. 21, s. 5 of Act 25 of 1907 is amended by provision that the Minister may establish, maintain or make grants in aid of schools for the education of children who are in ill-health or are physically deficient.

S. 16 is amended by allowing the Administrator, where special circumstances exist, to establish a school where the number of children on the roll will average not less than fifteen throughout the year.

S. 17 is amended by providing that the Administrator may, in special circumstances, make grants per head where the number of children congregating for instruction average not less than six per year.

The provisions of s. 21 in connexion with compulsory attendance are repealed and re-enacted with minor amendments.

S. 67 is amended by adding a new subsection providing for the election of School Committees where two schools amalgamate.

A new section is added making provision for special classes or schools for backward children.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by the* Hon. Sir Henry Moncrieff-Smith, C.I.E., I.C.S.]

The total number of Acts passed in all the legislatures of British India in 1927 was 79, or only 74 per cent. of the number passed in the previous year. Once again, as in 1924, the holding of general elections seems to have had the effect of restricting the legislative output. The Legislative Assembly, and all the provincial legislatures, except that of Burma, were dissolved towards the end of 1926. Legislative activity was further hampered in some provinces by the lack of stable ministries with adequate majorities in the Councils. A feature of 1927 was the very large number of Bills promoted by private members ; very few indeed of these, however, found their way on to the Statute Book.

It is noticeable that not since 1925 has the Governor-General, or any Governor, had occasion to exercise the special powers conferred by s. 67B and s. 72E. of the Government of India Act, to recommend or certify Bills which the Legislatures had failed to pass ; nor has any Ordinance been promulgated under s. 72.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—31.

Criminal Law.—Two only of the Acts passed in the year affect the Criminal Law of British India. Act No. 25 inserts a new section in the Indian Penal Code making it a specific offence where any person, with the deliberate and malicious intention of outraging the religious feelings of any class of His Majesty's subjects by words, either spoken or written, or by visible representations, insults or attempts to insult the religious beliefs of that class. The section is intended to cover insults directed against the founder of a religion.

Act No. 29 supplements Bombay Act No. 6 of 1927, a provincial Act which amended the law in force in Aden, by giving the High Court at Bombay jurisdiction to hear appeals from certain decisions of the Aden Courts. This is a measure which by reason of the provisions of the Government of India Act [1] is beyond the powers of a Provincial Legislative Council.

Civil Courts and Legal Practitioners.—Act No. 1 amends the Indian Limitation Act, 1908, so as to provide that payments of interest shall only have the effect of starting a fresh period of limitation when acknowledgment of the payment appears in the handwriting of, or in a writing signed by, the person making the payment. The other amend-

[1] 5 & 6 Geo. V, c. 61 ; 6 & 7 Geo. V, c. 37 ; and 9 & 10 Geo. V, c. 101.

ments effected in the law of limitation by Act No. 1, and also by Act No. 9, passed later, are of no particular importance or interest. Both of these Acts, like most of those affecting the Civil Courts passed in the preceding year, were introduced for the purpose of giving effect to recommendations made by the Civil Justice Committee, which was appointed to examine the question of the law's delays in India.

Acts Nos. 11 and 19 amend the law of Insolvency. The former Act lays down that a debtor in respect of whom an order of adjudication has been annulled owing to his failure to present or prosecute an application for his discharge shall not be entitled to present an insolvency petition without the leave of the Court, and that such leave shall not be granted unless the debtor can show reasonable cause for his failure to obtain his discharge, or unless the fresh petition is founded on facts substantially different from those contained in the former petition. Act No. 19 reconciles two provisions of the Presidency-towns Insolvency Act No. 3 of 1909, in regard to the powers of the Courts in respect of persons indebted to, or holding property of the insolvent; the High Courts of India had taken different views of the matter. The law now limits the power of the Courts to make directions to cases in which the said persons admit their indebtedness to the insolvent or their possession of any of his property, unless all the parties otherwise agree (*vide* s. 25 of the English Bankruptcy Act of 1914). These two measures, Acts Nos. 11 and 19, make further minor amendments, and in particular they assimilate the law of Insolvency in force under Act No. 5 of 1920 outside the Presidency-towns to the law brought into force within those towns by recent amendments.

When the Bar Councils Act No. 38 of 1926 was passed, certain provisions were omitted from it on the understanding that they would be circulated for opinion. These provisions regulated the seniority *inter se* of advocates of a High Court and have now been enacted as Act 13 of 1927.

Divorce.—Act No. 15 amends the Indian Divorce Act No. 4 of 1869, by introducing a provision enabling the Government to appoint for each High Court an officer having the power of showing cause why a decree should not be made absolute which is exercisable in England by the King's Proctor.

Act No. 30 makes a further small but important amendment in the same Act. Under the Indian Christian Marriage Act, 1872, a valid marriage can be contracted between a Christian and a non-Christian; but the Indian Divorce Act, passed three years earlier, did not contemplate such marriages, and permitted no relief to be granted, except where the petitioner was a Christian. The object of the amendment made by Act No. 30 is to provide that the non-Christian party to a marriage shall be able to obtain the same relief under the Indian Divorce Act as is obtainable by a Christian.

Transfer of Property.—Act No. 2 lays down that a document effecting a contract for the sale of immoveable property shall not be deemed to require or ever to have required registration by reason only of the fact that it contains a recital of the payment of earnest money or purchase money. This validates the practice that had prevailed in India; legislation was necessary because in 1924 the Judicial Committee of the Privy Council had held, in *Dayal Singh* v. *Indar Singh*, that this was not the law.

Succession.—Act No. 18 introduces amendments in the Indian Succession Act, 1925, to bring the law in two respects into conformity with the present English law. It provides that a married woman may obtain probate, in cases where the deceased was a Christian, without the consent of her husband, and also that a husband shall not be liable for any breach of trust or devastation committed by his wife as trustee or executrix, unless he has acted or intermeddled in the trust or administration.

Protection of Industries.—The Steel Industry (Protection) Act, No. 14 of 1924, was due to expire on March 31, 1927. Act No. 3 of 1927 was passed to continue up till March 31, 1934, protection for the steel industry by means of increased duties on imports instead of by the grant of bounties on production. The passage of the Bill met with much opposition in the Legislative Assembly on the ground that it introduced Imperial preference.

Act No. 20 remedies defects in the law (Act No. 25 of 1925) which provides for the protection of the bamboo paper industry by the imposition of import tariffs.

Act No. 23 was enacted to afford temporary protection to the cotton textile industry for so long as the conditions of labour in Japanese mills enable cotton yarn to be produced in Japan at a cost below that at which it can be produced in British India. It remains in force up to March 31, 1930. In this connexion also Act No. 24 removes the import duties on certain classes of machinery and mill stores.

Merchant Shipping.—Act No. 14 introduces numerous amendments into the Indian Merchant Shipping Act, 1923, for the purpose of providing for the more punctual sailing of pilgrim ships. Its main provision prescribes compensation in the shape of a daily penalty to be levied in respect of delay in the sailing of a pilgrim ship.

Lighthouses.—Act No. 17 consolidates and amends the law in relation to lighthouses. There had hitherto been considerable variation from province to province in the administration of this subject. The Act brings the administration directly under the control of the Government of India. It embodies some of the provisions of three provincial Acts dealing with Coast-lights, but in the main is based on two English Statutes, namely, Part XI of the Merchant Shipping Act, 1894, and the Merchant Shipping (Mercantile Marine Fund) Act, 1898.

Emigration.—Act No. 27 effects certain amendments in the Indian Emigration Act, 1922, necessitated by the ratification by the Government of India of certain articles of the convention concerning the simplification of the inspection of emigrants adopted by the International Labour Conference at its eighth session at Geneva in 1926. In particular the Act enables the Government to take steps for the well-being of emigrants during the voyage of an emigrant vessel.

Finance Act.—Act No. 5, the annual Finance Act, makes no changes in the rates of salt duty, postage, income-tax and super-tax. It reduces the import duty on motor-cars from 30 per cent. to 20 per cent.; and with a view to the encouragement of the habit of banking it abolishes the stamp duty on cheques, and the duty on bills of exchange payable on demand. It also abolishes the export duty on tea and hides. At the time of the introduction of the budget it was announced that in order to make up part of the loss incurred to the revenues by the abolition of the export duty on tea, it was proposed to raise from 25 per cent.

to 50 per cent. the proportion of the profits of tea companies which were to be held to be assessable to income-tax, the balance of the profits being treated as agricultural income which under the law is not liable to income-tax. Act No. 28, which amends the Indian Income-tax Act, 1922, enables this change to be made.

Currency and Coinage.—Act No. 4 is an important Act, the main provision of which stabilizes the rupee in relation to gold at a rate corresponding to an exchange rate of 1*s.* 6*d.* gold for the rupee. At the same time it removes the legal tender quality of the sovereign and half-sovereign which had hitherto been legal tender at the rate of 2*s.* to the rupee. During the passage of the Bill strenuous attempts in both Chambers to provide for a gold coinage were defeated by the Government.

Statute Law Revision.—Act No. 10 makes a large number of amendments in existing Statutes most of which were designed with a view to placing the Royal Air Force on the same footing as the Military and Naval Forces. One item in the Act gives retrospective effect to the amendment made in the Transfer of Property Act in 1926, and referred to in last year's summary.[1]

Act No. 11 removes from the Statute Book a vast amount of matter that has become obsolete or spent. It was announced that this was done as a preliminary step towards enabling the Government Printers to bring out a new edition of the *Unrepealed General Acts of the Indian Legislature.*

Act No. 16 consolidates the law relating to Forests, hitherto contained in eight separate enactments.

The other Acts of 1927 not specifically mentioned above were of no general importance.

2. MADRAS.

Acts passed—6.

Local Boards.—Act No. 2, though a small measure making minor amendments in the Madras Local Boards Act, 1920, must nevertheless be regarded as of considerable importance. As the result of a resolution adopted by the Madras Legislative Council in 1926, the Local Government had issued orders to the effect that all persons irrespective of caste or creed had equal rights to the use of the public roads, and that the so-called "depressed classes" were entitled to access to public offices, wells, tanks and places of public resort to the same extent as persons belonging to the community of caste Hindus. Act No. 2 is an attempt to give statutory effect to these executive orders, by imposing penalties for the obstruction of any person exercising his right.

Religious Endowments.—The Madras Hindu Religious Endowments Act, Madras Act No. 1 of 1925, was described in the *Review of Legislation* for 1925.[2] The validity of the Act was constantly challenged, with particular reference to the procedure adopted in the passing of the Act by the local council and in the obtaining of the assent of the Governor-General. Suits were instituted in the civil courts with a view to testing its validity. The Local Government therefore introduced a revised measure re-enacting with modifications Act No. 1 of 1925 and validating action taken thereunder. This became law as Madras Act 2 of 1927.

[1] See *Journal of Comparative Legislation*, Third Series, vol. x, pt. iii, p. 143.
[2] *Ibid.*, Third Series, vol. ix, pt. iii, p. 156.

Like its predecessor, it was the subject of heated controversy throughout its passage.

Civil Courts.—Act No. 4 defines in detail the territorial limits of the ordinary original civil jurisdiction of the Madras High Court, so that they shall correspond with the statutory limits of the town of Madras. Act No. 3 also deals with the jurisdiction of civil courts, but is of little importance.

Entertainments.—Act No. 5 enables municipal councils and local boards to levy a tax on entertainments and other amusements. Such a tax was hitherto in force in Bengal only. The Madras Act follows closely the Bengal Amusements Tax Act, 1922.

Breach of Labour Contracts.—Act No. 6 repeals the Madras Planters Labour Act, No. 1 of 1903, which provided for the imposition of penalties for breach of labour contracts. This repeal followed the tendency of other recent legislation to abolish all such laws, leaving labour contracts on the same footing as other civil contracts. The repeal of the Workmen's Breach of Contract Act, 13 of 1859, in 1925 [1] had had the effect of leaving planters in certain districts of Madras a statutory control over their labour which was not enjoyed by other employers of labour in the Presidency.

3. BOMBAY.

Acts passed—17.

Though the number of Acts passed was well above the average outturn of a provincial legislature, there were few enactments of any importance. Many of them were intended for the purpose of removing small but nevertheless inconvenient defects discovered to exist in legislative measures, passed in recent years.

Stamps.—Act No. 2 extends for one year, up to March 31, 1928, the operation of Bombay Acts No. 2 of 1922 and No. 2 of 1926, which for the purpose of raising revenue increased for the Presidency of Bombay the stamp duties generally in force in British India under the Indian Stamp Act, 1899. The Bill as introduced was intended to make these enhanced stamp duties permanent, but the intention was abandoned.

Aden.—Act No. 6 makes numerous amendments in Act No. 2 of 1864, which defined the procedure for the administration of Civil and Criminal Justice in the courts at Aden. The Courts had hitherto been presided over by officers with no special judicial training, and the right of legal practitioners to appear in the courts was not recognized. These defects have been removed. As mentioned above, it was supplemented later in the year by Act No. 27 of the Indian Legislature which conferred powers of hearing appeals on the High Court.

President's Salary.—Act No. 8 amends Bombay Act No. 12 of 1924 by laying down that the President shall not practise any profession or engage in trade or remunerative employment during his tenure of office. This provision has already been enacted in some of the other provinces.

Cotton Markets.—Act No. 17 provides for the establishment and better regulation of cotton markets in the Bombay Presidency. It arranges for the constitution of a market committee including representatives of cotton growers, of the cotton trade and of the local authority. The committee is empowered to make by-laws for the regulation of business

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 153.

in the market ; its other powers are defined by rules made by the Local Government.

4. BENGAL.

Act passed—1.

Vehicles.—Act No. 1 is an attempt to deal with one of the traffic problems of Calcutta. Motor vehicles and all kinds of hackney-carriages are registered and regulated, but there is one particular class of private horse-drawn vehicle, known as an office-jaun, which was not covered by any existing law ; its driver ignored traffic regulations and was responsible for congestion and accidents ; he escaped punishment because the vehicle could not be identified. The Act enables a system of licences to be introduced, and brings into force in regard to these vehicles many of the provisions of the Motor Vehicles Act.

5. UNITED PROVINCES.

Acts passed—2.

Both of these Acts were of purely local interest.

6. PUNJAB.

Acts passed—3.

Land Tenancies.—Much has been done of recent years towards the consolidation of agricultural holdings in the Punjab by means of co-operative societies formed for this purpose. The object of Act No. 2 is to secure that where consolidation takes place the existing rights of occupancy under the Punjab Tenancy Act, 1887, in the lands affected shall be preserved for the tenants in the lands received in exchange.

District Boards.—Act No. 3 validates the imposition of certain taxes by District Boards in the Punjab. These taxes had been imposed and levied by virtue of a provincial Act, which had been held by the High Court to be beyond the powers of the local legislative Council, in that the previous sanction of the Governor-General had not been obtained as required by s. 80A of the Government of India Act.

Act No. 1 merely corrects certain errors in an existing enactment.

7. BIHAR AND ORISSA.

Acts passed—nil.

8. BURMA.

Acts passed—11.

Excise.—Act No. 1 withdraws from the Financial Commissioner, a permanent official, the powers vested in him for the administration of the Excise Department, and vests them in the Minister in charge of that department.

Law and Order.—The object of Act No. 2 is the prevention of disorder in the Burma Oil-fields in time of emergency. It enables a notice to be promulgated prohibiting the carrying of weapons, or the doing of certain acts calculated to lead to public disturbances.

President's Salary.—Act No. 3 fixes the salary of the President of the Burma Legislative Council at Rs.4,000 *per mensem*. The Act further provides that the President shall not practise any profession or trade or undertake any other employment for remuneration.

Medical Registration.—Act No. 5 amends the Burma Medical Act, 1915. Its main object is to provide reciprocity with other provinces, so that registration in one province shall be valid in another; it also provides for uniformity in the Schedule of qualifications for registration.

Co-operative Societies.—In Act No. 6 Burma follows the precedent set in Bombay by Bombay Act No. 7 of 1925,[1] by repealing the Co-operative Societies Act, 1912, in so far as it applies to Burma, and re-enacting its provisions with numerous modifications dictated by local needs and by defects in the working of the Act revealed by experience.

Rural Self-government.—In 1924 the Burma Village Amending Act[2] was passed with the object of liberalizing and modernizing some of the provisions of the Burma Village Act, 1907, on the ground that the province had become far less backward and undeveloped. Among other matters the 1924 Act abolished the requirement to notify to the headman the arrival of strangers in the village: it also enabled the Deputy Commissioner merely to advise instead of to direct the headman as to the construction of protective works. In both these respects experience showed that the modifications were unfortunate; and Act No. 7 of 1927 has been passed to restore the former law.

Criminal Law.—From 1923 onwards the province of Burma suffered from a wave of violent crime. Accordingly in 1927 Act No. 8 has been passed to modify the Whipping Act, 1909, so as to extend the power to award whipping as a punishment to a wider range of sections of the Indian Penal Code than those contained in s. 4 of that Act. The new offences now punishable with whipping include the causing of hurt with a dangerous weapon, the causing of grievous hurt, robbery and kidnapping.

Maternity and Child Welfare.—Act No. 10 widens the provisions of the Burma Midwives and Nurses Act, No. 10 of 1922, so as to enable the practice of unqualified midwifery to be prohibited altogether in areas where there is a number of qualified midwives and medical practitioners sufficient for the needs of the area.

The other Acts not specifically mentioned were unimportant.

9. CENTRAL PROVINCES.

Acts passed—4.

Dangerous Drugs.—Act No. 1 gives more effective control over the extraction or preparation of cocaine by extending the provisions of the Central Provinces Excise Act, No. 2 of 1915, which prohibit cultivation to all the varieties of the coca plant.

Primary Education.—Act No. 2 amends the Central Provinces Education Act, No. 3 of 1920, with the main objects of prescribing the period during which a child liable to compulsory education shall attend a primary school, and of rendering it possible for local authorities to apply compulsion gradually.

Public Gambling.—Act No. 3 amends the Public Gambling Act No. 3

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 156.
[2] *Ibid.*, vol. viii, pt. iii, p. 194.

of 1867 in its application to the Central Provinces, with the object of penalizing gambling on the market price of stocks or shares, of cotton, opium or other commodities, on the quantity of rainfall, and on the occurrence or non-occurrence of rain or other natural event.

Municipalities.—Act No. 4 amends the Central Provinces Municipalities Act No. 2 of 1922. Under that Act any person is disqualified for membership of a municipal committee if he has subsisting against him a conviction involving a sentence of transportation or imprisonment for a term exceeding six months. It was contended that this provision rendered ineligible for membership so-called " political prisoners " whose offences involved no moral turpitude ; and inasmuch as no definition could be devised to distinguish this class of persons from ordinary criminals Act No. 4 removes the disqualification altogether.

10. ASSAM.

Acts passed—3.

Local Self-government.—Act No. 1 supplements the amendments made by Act No. 8 of 1926 in the Assam Local Self-government Act, 1 of 1915. It allows further time for the reconstitution of Local Boards, which could not be completed in the time allowed by the former amending Act.

Dangerous Drugs.—Act No. 2 prohibits the cultivation of cocaine-yielding plants. It is on the lines of Acts passed in other provinces.

Opium Smoking.—Act No. 3 is a comprehensive measure for the prohibition of opium smoking. Legislation in other provinces is for the most part confined to a prohibition of smoking in assemblies. The Assam Act goes further in that it contains provisions absolutely prohibiting the smoking of opium, whether in public or private. It has been stated that there are 50,000 smokers of opium in this small province.

11. COORG.

Act passed—1.

Rural Self-government.—Act No. 1 is a comprehensive measure for the development of the system of self-government by making provision for the administration of village affairs by committees of the villagers themselves. It follows closely the provisions of the Madras Village Panchayat Act, 15 of 1920 ; it vests in the committees powers which in a municipality would ordinarily vest in the Corporation.

12. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—5.

Aden.—Regulation No. 1 amends the Aden Laws Regulation No. 2 of 1891, so as to enable sentences of death or imprisonment awarded by the British Consular Court, or the Mixed Court in Abyssinia, to be carried out in the Aden jail.

Regulation No. 5 makes amendments of little importance in the Aden Settlement Regulation, No. 7 of 1900.

The Andaman Islands.—In pursuance of a policy of free colonization

of the Andamans, Regulation No. 3 of 1876 has been amended so as to do away, in certain cases, with the necessity of permits to land while retaining a power to prohibit the landing of undesirables, and to enable any person or class of persons to be exempted from the necessity of obtaining residential licences.

Punjab Frontier and Afghanistan.—Regulation No. 3, by the amendment of the Punjab Frontier Crossing Regulation No. 7 of 1873, makes legal provision against the entry into Afghanistan of any British subject of a State in India, or inhabitant of any territory under His Majesty's protection, unless in possession of a passport duly endorsed or a pass issued under the authority of the government of the North-West Frontier Province.

Manpur.—Regulation No. 4 frames a code of the law relating to interests in land and the assessment and collection of revenue in Manpur. It is based on the revenue law in force in the Central Provinces, but it is much simplified, since Manpur has an area of forty-nine square miles, of which only about nine square miles are cultivated, with an aboriginal population of about 4,500.

VIII. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* C. C. A. Brito-Mutunayagam, Esq., B.C.L., M.A., *Assistant Legal Draftsman.*]

1926.

Ordinances passed—23; Public—20; Private—3.

Post.—The use of postage-stamps for the payment of postal dues is made optional by No. 14, which authorizes the suitable marking of articles in respect of which the postage is paid in money. In conformity with the decisions of the Stockholm Postal Convention the import of articles liable to Customs duty is permitted by letter post, the Customs authorities being empowered to examine such articles.

Telegraphs.—The use of wireless apparatus on board foreign ships and aircraft when within territorial waters may now be controlled by regulations framed under No. 4.

Copyright.—The protection given by the Telegraph Copyright Ordinance 1898 to press messages, received by electric telegraph, is extended by No. 1 to press messages received by telephone wireless telegraph and wireless telephone.

Loan Board.—The Commissioners who governed the Loan Board established by Ordinance 4 of 1865 to administer certain funds deposited with the Government by suitors, tutors, trustees, executors, etc., by lending them out, had not the power to purchase or hold land though they sometimes acted as if they had. No. 10 now gives them this power, which is frequently necessary in the process of recovering the money they lend, and it also validates past purchases.

Local Government.—Local Boards (No. 12) and Sanitary Boards (No. 13) are empowered to levy a flat conservancy rate from all premises

within any area that is benefited by their conservancy scheme irrespective of whether the premises in question are conserved or not.

Lighting.—The Governor-in-Council is empowered by No. 15 to extend the operation of the Gas Ordinance, 1869, beyond the limits of municipal towns. And to make it possible for Local Boards and Sanitary Boards to take advantage of such extension, these Boards are permitted to contract with a Gas Company for the supply of gas for lighting within its jurisdiction.

Under No. 11 electric energy which a Local Board generates it may supply to areas beyond but adjacent to its administrative limits.

Judicature.—The number of judges in the Supreme Court is raised to six, and a "Full Court" may, since No. 21, consist of four or more judges as the Chief Justice orders and not as heretofore of all the judges of the Supreme Court. The Ordinance reserves to the Chief Justice alone the right of referring an appeal for argument before a Full Court.

The rule that a substitute could not act for a Supreme Court Judge so long as he remained within the Island is altered by No. 16, which also extends the power of this Court to refer an application for a writ of *habeas corpus* for inquiry and report to one of the subordinate courts.

Estate Duty.—No. 20 raises the minimum value of an estate on which estate duty is payable from Rs.1,500 to Rs.5,000, and lowers the rate of duty on estates up to Rs.50,000.

No. 3 exempts from estate duty the pensions payable to the widows and orphans of deceased public officers under the Widows and Orphans Pension Fund Ordinance, 1898.

Criminal Law and Procedure.—In the form of a further exception to the definition of murder in s. 296 of the Penal Code, 1883, No. 19 enables the return of a verdict of culpable homicide not amounting to murder where a mother is found guilty of having killed her infant whilst the balance of her mind is disturbed by reason of her not having fully recovered from the effect of giving it birth. Before this amendment the law required a verdict of murder to be returned in such cases though the accused seldom paid the penalty prescribed for that offence.

No. 2 repeals and re-enacts with modifications the Habitual Criminals and Licensed Convicts Ordinance, No. 32 of 1914, which itself replaced the earlier Ordinances of 1894 and 1899, which were founded on the Prevention of Crimes Act, 1871, of the United Kingdom. The term "Registered Criminal" is substituted for "Habitual Criminal" of the old Ordinance, and by raising the requisite minimum periods of imprisonment and preventive detention, its application is more restricted than was possible with the expression it replaces. More effective procedure is prescribed for keeping the trial judge ignorant of the past record and character of a Registered Criminal till after he has been convicted. The maximum sentences imposable on a Registered Criminal have been reduced, and the offences in respect of which the Ordinance is now to operate exclude the less serious varieties of mischief and trespass and include those relating to currency notes and the offence of conspiring to commit any of the crimes which are themselves governed by this Ordinance.

Foreshore.—The control over the removal of sand, stone, coral, etc., from the foreshore (which are *Res communes* in Roman-Dutch Law) given by Ordinance No. 20 of 1865, and later by Ordinance No. 12 of 1911, finds a further extension in No. 6, which vests the Crown with the

ownership of such sand if of a prescribed specific gravity. It may hereafter be removed from proclaimed portions of the foreshore only on a licence issued by the Governor, and approved by the Legislature, and on payment of a fee. The Ordinance is designed to control the collection and exportation of valuable sands such as Illminite, Monozite, Zircon and Magnelite. For removal without a licence a fine of Rs.1,000 is authorized.

Carriage of Goods by Sea.—Though by virtue of Ordinance No. 5 of 1852 the Carriage of Goods by Sea Act, 1924, of the United Kingdom is in force in Ceylon, No. 18 specifically enacts its provisions for the sake both of certainty and publicity.

1927.

Ordinances passed—27; Public—26; Private—1.

Game and Agriculture.—By absolutely prohibiting the transport of dried meat, except in very small quantities, Ordinance No. 19 of 1908 aimed at checking the wasteful destruction of game. This object has been attained with such success that the depredation of agricultural land by wild animals has assumed alarming proportions in some parts of the country. No. 1, therefore, substitutes a power of regulating the transportation of dried meat for the former absolute prohibition.

Again to assist agriculture, No. 15 authorizes the issue of a licence free of stamp duty for the capture of wild buffaloes by *bona fide* cultivators for agricultural purposes.

Cruelty to Animals.—The power to destroy an animal which appears to be injured or diseased and is suffering pain, which would render its immediate destruction proper, is extended by No. 16.

Local Government.—A Municipal Council is empowered by No. 13 to borrow money and use it for acquiring land and effecting a housing or rehousing scheme; and the Council is given summary powers (with a right of final appeal to a Court of Requests) to distrain and eject its tenants who fail to pay their rent.

Under Ordinance No. 14 a municipality may contribute more liberally than is permitted by s. 131 (2) of the Municipal Council's Ordinance, 1910, towards the support of the Colombo Law Library. The admission and annual fees paid by lawyers go into the coffers of the municipalities by virtue of s. 131 (1) (c).

The Nuwara Eliya Board of Improvement is by No. 2 entrusted with the collection of its own rates, which in future may be 8 per cent. of the annual value of all houses, buildings, and tenements within its limits.

As a result of the decision not to enforce the liability to perform labour on thoroughfares, etc., which is prescribed by s. 46 of the Road Ordinance, 1861, No. 18 makes the qualification to nominate a candidate and vote at an election for a member of the District Committee no longer dependent on the liability to perform labour.

Obscene Publications.—Ordinance No. 4 gives effect to the recommendations of the International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications dated September 12, 1923. Owing to the special provision regarding the abetment in Ceylon of offences committed outside Ceylon the requisite amendment in the

law could not be readily made by an amendment of ss. 285 and 286 of the Penal Code 1882, which already covered most of the cases contemplated by the Convention and provided for by this Ordinance.

School Teachers' Pensions.—The teachers in schools which are aided by the State may under rules framed by the Governor by virtue of No. 6 be granted pensions payable from the general revenue.

Land.—According to its preamble No. 8 was passed "to prevent improvident alienation of unsettled land, and to ensure the retention by villagers and other small holders of sufficient land for the support of themselves and their families." It was in respect of forest land, waste land, unoccupied and uncultivated land, and what are called *chena* lands (*i.e.* land which can be remuneratively cultivated only at intervals of several years) that protection was really necessary. As a consequence of the presumption that these lands were Crown property until proof of a specified type was produced to the contrary, unsophisticated "villagers and other small holders," either exaggerating the difficulties of establishing their title to such lands or impatient of waiting till the question of their title was settled in one of the ways provided by law, often sold at an undervalue to speculative purchasers such lands which had come to them from their ancestors. This process steadily depleted the countryside of its proprietary farmers and swelled the proletariat of the towns. So in the provinces and districts where this chiefly happens, and in other places to which the Governor-in-Council extends the operation of the Ordinance, s. 4 makes the written consent of the Government Agent a necessary preliminary for the validity of a voluntary alienation *inter vivos* and even for a lease for more than three years of all such land in respect of which the Crown had not recognized private ownership on August 10, 1927. But such alienation is permitted if it is in favour of the alienor's issue or other heirs at law, or if it is the result of a decree of Court on a cause of action that accrued before August 10, 1927. The requisite consent is not to be withheld "unreasonably," and in case of a refusal an appeal is permitted to the Governor. So that the purpose of the Ordinance may not be defeated by the creation of rights arising out of possession, the Government Agent may now call upon the occupant of such a land which exceeds 10 acres in extent to prove his title to it and in the meantime (unless permitted) to refrain from doing any act of ownership under pain of a prosecution which if it results in a conviction is punishable with fine and imprisonment.

Authentication of Crown Grants.—No. 12 consolidates the law contained in Ordinances Nos. 11 of 1884, 30 of 1884 and 15 of 1915, and extends the power of employing a stamp or facsimile in copies of such documents.

Irrigation.—As a "majority of the proprietors" as originally defined could not always be procured at meetings, No. 17 redefines the expression in a manner more attainable, but provides against a snap division by fixing a quorum dependent on both the number present and the acreage they own. The duration of the office of an irrigation headman and the grounds on which he may be dismissed or dispensed with are provided for. If in recovering moneys due under the main Ordinance the land has to be sold, notice of the seizure has now to be posted up on the land, and the proprietor or mortgagee of the land who desires to be informed of such a sale can provide for a notice to be sent to him by registering his name in a special register kept for the purpose.

Notaries.—To prevent local men being crowded out, No. 24 provides that the number of articled clerks for a district may be limited, and one half the number may be reserved to persons connected with the district by birth or by ownership of property or residence for the previous ten years.

Bills of Exchange.—As the Bills of Exchange Act, 1882, of the United Kingdom which is in force by virtue of Ordinance No. 5 of 1853 is not always available in the provinces, it has been reproduced in No. 25 with a few minor alterations necessary for local application. Thus in s. 97 there is specific provision as laid down in s. 3 of Ordinance No. 5 of 1852, regarding the maximum rate of interest, and the total amount recoverable on a bill. That the capacity to contract is governed by Roman-Dutch Law as modified locally is laid down by s. 22 to obviate a contrary inference arising from s. 98 (2). The days for proper presentment and acceptance in ss. 41 and 42 are stated with regard to Ordinance No. 14 of 1886. Differences in local bank holidays have led to differences in s. 93. By amending the Civil Procedure Code, 1889, the Court is empowered by s. 97 to compel the execution of duplicate bills. S. 1 of the Bills of Exchange (Crossed Cheques) Act, 1906, of the United Kingdom is reproduced by s. 82 (2).

Immigrant Labour.—Under No. 27 an Estate Wages Board is appointed by the Governor for every district in order to determine the minimum wage payable for an eight-hour day to an Indian labourer employed on an estate within its jurisdiction. This Board is controlled to some extent by the Board of Indian Immigration and the validity of its decision is dependent on the Governor-in-Council approving it. An employer who pays less than the minimum wage may be prosecuted with the consent of the Controller of Indian Immigrant Labour; he is liable to make good to the labourer the shortage during the six months preceding the filing of the plaint, and if he is convicted he may be fined. Wages have to be paid not later than the tenth of the month. For working overtime the remuneration is to be at a rate not less than the minimum wage. The money paid for inducing a labourer to quit the service of his employer is not recoverable.

Motor-vehicles.—No. 20 repeals those portions of the Vehicles Ordinance, No. 4 of 1916, which specially deal with motor-vehicles, and reproduces in a consolidated and amended form both these and the numerous regulations made under them. Instead of the old annual licence the possession of which authorized the driving of every type of motor-vehicle, a special permanent certificate of competence of different sorts is to be issued after a driving test to persons above eighteen years of age in respect of the different classes of cars; and the would-be driver of a hiring car has to be at least twenty-one years of age, and to have twelve months' regular driving experience before he can have his licence specially endorsed for the purpose. Certificates issued under any Order-in-Council under the Motor-car (International Circulation) Act, 1909, of the United Kingdom are recognized by s. 38. S. 9 prohibits the use of cars with left-handed steering. C. VII prescribes the driving rules to be used by drivers. The speed limit is fixed by s. 59. The insurance of hiring cars against third party risks is made compulsory by s. 61. In the first part of the Fourth Schedule the provisions specially covering omnibuses are set out, and in the second those affecting motor-cabs. The details regarding brakes, lights and equipment are

prescribed. A person who drives a motor-car when intoxicated by alcohol or any drug may be fined Rs.2,000 and imprisoned for two years under s. 57.

Medical Education and Medical Profession.—No. 26 consolidates with amendments the law dealing with the registration of physicians, surgeons, dentists, midwives, and pharmacists, the constitution and powers of the Medical Council and the incorporation and management of the Medical College. This Ordinance and the Poisons, Opium and Dangerous Drugs Ordinance which was introduced into the Legislature about the same time, contain the entire statute law relating to the Medical and Sanitary Department, medical practitioners, dentists, midwives, pharmacists, the use of poisons, opium and dangerous drugs and medical education. C. III reproduces the Ceylon Medical College Ordinance No. 3 of 1905, and for the first time empowers the College to issue certificates of efficiency to midwives and pharmacists. C. IV reproduces the Ceylon Medical Council Ordinance No. 24 of 1924, but in future all fees paid to the Council are to be credited to revenue. In c. V the Medical Registration Ordinance, 1905, and its amendments and the Dentists' Registration Ordinance No. 3 of 1915 are reproduced with special provision in respect of midwives and pharmacists. Registers are to be kept of all physicians, surgeons, dentists, midwives and pharmacists practising in the country and the Medical Council is given the power to erase and to restore names on the register. C. VI provides that only those registrable under the Medical Act (21 & 22 Vict. c. 90) and its amendments and those licensed by the local Medical College may be registered under this Ordinance, and that only those who are so registered may recover through the Courts their fees for professional services and for the cost of medicines. But those who " practise medicine or surgery according to indigenous or ayurvedic systems " are not governed by the Ordinance, and so this disability does not apply to them. Conviction of an " offence which shows him to be unfit to practise as a medical practitioner " is a sufficient reason for removal from the register. The Dentists' Registration Ordinance, No. 3 of 1915, is reproduced in c. VII. The qualification for registration of midwives contained in c. VIII, which is new, provides that within areas that may be specified by regulations under this chapter only medical practitioners and midwives may practise midwifery. C. IX deals with pharmacists, specifying their qualifications and prohibiting those not possessing the requisite qualifications from styling themselves pharmacists, druggists or dispensing chemists.

Mortgages.—The requirement of the Civil Procedure Code, 1889 (C. XLVI), that notice of an action filed on a mortgage by the primary mortgagee who has registered his mortgage need be served only on those puisne incumbrancers who have furnished him with their address did not always work satisfactorily. To remove some of the difficulties is the primary object of No. 21. In future a puisne incumbrancer who desires to have notice of and to be joined as a party in an action on the primary mortgage must register his deed and his address in the deeds registry (s. 6). If he is nevertheless inadvertently not joined as a party the title of the purchaser under the mortgage decree will be subject to his incumbrance (s. 2), the purchaser having a hypothecary charge on the property to the amount discharged out of the purchase money. S. 9 provides that notice may be served on a defendant by posting it in

a conspicuous position on the mortgaged property, publishing it in a newspaper and sending a copy of it by registered post, and thus it removes the difficulties arising from personal service being compulsory. The manner of sale on a decree is prescribed by s. 12. *Ex parte* trials on a mortgage bond are simplified by s. 14. Costs are dealt with by s. 15. A mortgagee is empowered by s. 16, at his own risk, to pursue his remedies in different actions. In c. III the provisions of Ordinance No. 8 of 1918 which deals with mortgages for future advances are reproduced.

Registration of Documents.—All the statute law concerned with the registration of documents is now contained in No. 23 which consolidates the Land Registration Ordinance, 1891, and its amendments and incorporates therewith the provisions of Ordinances Nos. 8 and 21 of 1871, relating to the registration of bills of sale. The numerous alterations in the law are in matters of detail, the old law being reproduced unchanged in everything that is fundamental. As a document that is not registered is void as against one that is executed for valuable consideration and is registered, s. 8 provides for the registration of all documents which can possibly affect a subsequent purchaser and excludes several which required registration under this old law. Wills may hereafter be registered after the testator's death, and to prevent the heir-at-law defeating an unregistered will by disposing of the estate by a registered instrument such a disposition is made involved by s. 10, unless one year has elapsed since the testator's death and letters of administration on the footing of an intestacy have been granted. *Lis Pendens* is now under s. 11 registrable as soon as the plaint is accepted by a Court, so that fraudulent alienations between the filing of the plaint and its service on the defendant (which he can avoid) are now forestalled. As partition actions render void all alienations during their pendancy (s. 17, Ordinance No. 10 of 1863), the registration of the plaint is made compulsory by s. 12. C. IV, which deals with the registration of bills of sale, provides for the manner of registration, extends the time for registration to twenty-one days, and enables property acquired after the date of the bill and property not in existence at that date to be made the subject-matter of a bill. S. 26 authorizes the tendering of instruments for registration through the post, and s. 27 requires a register to be kept showing the exact time at which instruments are presented. To protect a purchaser or mortgagee from the consequences of an instrument being registered between the execution and registration of his instrument, s. 30 permits the purchaser or mortgagee with the consent of the vendor or mortgagor to register a " priority notice " of his intention to register his deed, and any instrument registered by him within six weeks of the registration of the " priority notice " will relate back to the date of registration of the priority notice or to the date of the execution of the deed, whichever is the later. The District Court is given the power to cancel a " priority notice " by s. 34, and damages may be awarded to a person injured by such a notice by virtue of s. 33. The old law regarding *caveats* which was frequently used arbitrarily to prevent land being dealt with is altered by s. 32, which provides that a *caveator* shall be entitled to notice when a deed concerning the land in respect of which he has filed the *caveat* is presented for registration ; and if within thirty days of the receipt of the notice he files an action and establishes his right the Court may cancel or rectify the instrument.

2. HONG KONG.

[*Contributed by* C. G. ALABASTER, ESQ., K.C., O.B.E.]

Ordinances passed—28.

Factory Accidents.—Ordinance No. 3 makes provision for the appointment of Inspectors of Factories, who are given powers similar to those given by s. 119 of the Factory and Workshop Act, 1901 (1 Edw. VII, c. 22), to inspectors in the United Kingdom. The Ordinance also authorizes the Governor in Council to make regulations for preventing accidents in factories, for notification of accidents occurring in them and for relieving persons suffering from the effects of accidents.

Local Elections.—S. 8 of Ordinance No. 1 of 1903 had provided in effect that two of the members of the Sanitary Board, which has power to make by-laws, subject to the approval of the Legislative Council, relating to matters of public health, were to be elected by the jurors supplemented by those who were exempted from jury service by reason of age or profession. Jury lists are published annually, but there was no list of the somewhat numerous class of persons who were entitled to vote and excused from jury service. To remedy this defect the Public Health and Buildings Amendment Ordinance (No. 6) provides for the establishment of an electoral Register. The first part of the Register is to consist of the two jurors lists, special and common, and the second part of the names of those exempted persons who apply for registration not less than fourteen days before election day.

Illegal Strikes and Lock-outs.—Ordinance No. 10 declares any strike illegal if it has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged, and is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community or any substantial portion of the community. Lock-outs with similar objects are also declared illegal. Persons who refuse to participate in illegal strikes are protected against expulsion or other penalties by their trade unions. Intimidation is dealt with by a section based on s. 7 of the Conspiracy and Protection of Property Act, 1875 (38 & 39 Vict. c. 86), and a section based on ss. 4 and 5 of that Act deals with breaches of service agreements by Government servants and employees of public utility companies. Except with the consent of the Governor no trade union established within the colony may be affiliated or connected with any trade union or other organization outside the colony, nor may the funds of local unions or contributions from their members be applied or solicited for any political purpose outside the colony.

Local Government Loan.—The Public Works Loan Ordinance (No. 14) authorizes the Governor to issue bonds to an amount sufficient to produce as nearly as may be the sum of five million dollars and such further sum as may be necessary to defray the expenses of the issue and management of the loan. The loan is to be applied mainly for the development of waterworks, aerodrome and harbour. The loan is redeemable at par on November 1, 1938, but may be redeemed by the Government at any time after October 31, 1932.

Piracy.—The Suppression of Piracy Amendment Ordinance (No. 15) repeals the Piracy Prevention Ordinance, 1914, and amends the Ordinance

of 1868 by giving the Governor in Council power to make regulations as to searches and for the prevention of piracy generally.

Chinese Extradition.—The political conditions prevailing in China made some amendment of the wording of the Chinese Extradition Ordinance, 1889, necessary. The definition of "Chinese Government" is repealed and there are substituted for it the words "Chinese authority," which mean any person declared by the Governor to be or to represent the person or persons actually exercising authority in any province or other territory which, in the opinion of the Governor, forms or at any time has formed part of the Republic of China.

Again, in the definition of "Fugitive Criminal" the words "national of China" are substituted for the words "subject of China."

These amendments are effected by the Chinese Extradition Amendment Ordinance (No. 17).

Dogs.—The Dogs Ordinance, 1893, is repealed by a new Dogs Ordinance (No. 21) which authorizes the Governor in Council to make regulations for the licensing, control and importation of dogs, for the notification of rabies and suspected rabies contacts and for regulating dogs' homes. The Ordinance contains a section based on s. 2 of the Dogs Act, 1871, (34 & 35 Vict. c. 56), authorizing magisterial orders for the destruction or proper control of dangerous dogs.

Police Reserve.—The Hong Kong Police Reserve Ordinance (No. 24) repeals the Ordinance of 1914, and provides for the formation, establishment and regulation of a reserve force for the police.

Printers and Publishers.—The Printers and Publishers Ordinance (No. 25) repeals the 1886 Ordinance of that name, and provides for the registration of newspapers and the licensing of printing presses. Printed documents, subject to a few minor exceptions, are required to bear the printer's name and address.

The other Ordinances of the year 1927 are without special interest.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. DE MELLO, ESQ.]

1926.

Ordinances passed—35.

Architects.—No. 12 establishes as an incorporate body a Board of Architects for the control of matters relating to the architectural profession, and the discipline of the members thereof, exclusive, however, of naval architects. The constitution and powers of the Board are delimited and defined (ss. 2, 3), and a system of registration is introduced (s. 4), only those who are registered being permitted to practise as architects (ss. 7, 9). The Board has power, subject to appeal, to cancel a registration (s. 11).

Registration of Schools.—No. 8 repeals, and re-enacts with amendments, Ordinance No. 180 (Registration of Schools).[1] Several cases had recently occurred where schools had been used for the purpose either of political propaganda detrimental to the interests of the colony or of imparting instruction harmful to the pupils. The Ordinance accordingly strengthens the hands of the Director of Education so that such abuses

[1] Passed in the year 1920.

may be more readily detected and checked. A similar measure was enacted in 1927 in the Federated Malay States.[1]

The more important amendments contained in the Ordinance are: (1) whereas previously the only ground upon which the Director of Education might refuse to register a school was that the premises were insanitary, he may now also, subject to appeal to the Governor in Council, refuse on the ground (s. 8) that the school is likely to be used for the purpose of political propaganda injurious to the interests of the public or of the colony, or for instruction detrimental to the interests of the pupils, or as the meeting-place of an "unlawful assembly" unless security is given that it shall not be so used; (2) the Governor in Council may likewise declare a school unlawful on the aforesaid grounds (s. 18); (3) in case of application for registration as supervisor, committee of management, or teacher, the Director of Education is given an absolute discretion (s. 11) to refuse to register a person convicted of an offence punishable with imprisonment, or who has held office in a school which has been declared (under the aforesaid ss. 8 and 18, or under an analogous Enactment of the Federated Malay States) unlawful in the colony or the Federated Malay States; and, in the case of a teacher, registration may be refused if likely to be prejudicial to the interests of the colony, or of the public, or of the pupils of any school; (4) the Director of Education may also now strike off the register a supervisor or member of committee of management who is convicted of an offence, or who holds office in a school declared unlawful in the Federated Malay States (s. 16); (5) the Director of Education and his assistants are given power of search and removal relative to books, documents, etc., of a school which is unregistered, or which, though registered, is utilized for unlawful propaganda (ss. 17, 20); (6) a procedure is enacted whereby a person may be called upon to show cause (s. 18) why a school should not be declared unlawful.

Trust Companies.—No. 31 enables public companies which have been formed for the purpose of acting as trustees to be appointed to the office of administrator, receiver, guardian, etc., without the obligation of giving security upon every occasion that they are so appointed. In consideration of this immunity, such companies are required to be registered as "Trust Companies," and to make a deposit of satisfactory securities to the value of $100,000 or more with the Accountant-General (s. 7).

Further protection is afforded to persons whose interests are entrusted to one of such companies by limiting (s. 18) the objects of the company, by providing that half the amount of every share issued shall not be called up, except for the purpose of winding up (s. 3), by restricting the manner in which trust funds and the assets of the company may be invested (ss. 16–18), by imposing special liabilities upon the Directors (s. 24), and by empowering the Governor in Council to direct the investigation of the affairs, and, if he sees fit, the winding up, of such company (s. 22).

1927.

Ordinances passed—20.

Carriage of Goods by Sea.—No. 4 gives effect in the colony to the draft Convention for securing international uniformity of maritime law as

[1] *Vide infra*, Enactment No. 21 of 1927.

regards bills of lading which was agreed to at meetings of the International Maritime Conference and its Committees in 1922 and 1923, and eventually incorporated in the Carriage of Goods by Sea Act, 1924, of the Imperial Parliament (14 & 15 Geo. V. c. 22).

Children.—In imitation of the Children Act, 1908 (8 Edw. VII, c. 67) (No. 17), and in substitution of the obsolete Ordinance No. 5 (Apprentices),[1] this new Ordinance is designed specially to protect children under the age of fourteen years by penalizing their harsh or cruel treatment (s. 3).

Provision is made for their detention and care in Government homes and hospitals and other places of safety (s. 4).

No child may be employed on any kind of labour prohibited by Rules passed by the Governor in Council (s. 9).

No child may take part in any public entertainment in respect of which the services of the child have been obtained for valuable consideration given to the child or to its parent or guardian, or upon a contract that the child will be maintained, educated or trained to any vocation or calling, unless a licence is obtained in respect of that child (ss. 11, 12).

Deleterious Drugs.—No. 7 amends the law as previously existing in Ordinance No. 124 (Deleterious Drugs),[2] so as to embody those provisions of the International Opium Convention signed at Geneva February 19, 1925, which are applicable to the colony.

Liquors Revenue.—No. 11 repeals and re-enacts Ordinance No. 118 (Liquors Revenue),[3] with amendments, the principal of which are: (1) The provisions relating to *bhang* are deleted, because the International Opium Conference of Geneva (*vide supra*) has rendered them inadequate, prohibition and restrictions relating to Indian hemp (*Canapis Indica*) and its derivatives being now included in the Deleterious Drugs Ordinance, hereinbefore reviewed; (2) hitherto a chemist's licence under the Ordinance was required for sale by retail of "medicated wines" (defined as "wines to which a drug has been added for the purpose of giving it special medicinal properties"). This Ordinance provides (s. 53) that a chemist licensed under the Deleterious Drugs Ordinance may sell such "medicated wines" without any further licence under the present Ordinance, but the definition of such wines is amended (s. 2) to include only (*a*) the medicated wines of the British Pharmacopœia; (*b*) other wines or spirits which contain a medicinal substance rendering them unsuitable for use as beverages. (3) The provisions relating to import and export of intoxicating liquors by sea or land are extended to include carriage by air. Importation by sea must be in a ship of 100 tons' burden at least. (4) The Superintendent is authorized to refuse a permit for removal of intoxicating liquors imported, unless invoices or other documents relating to the importation are first produced to him (s. 12); and applicants for such permits must first furnish particulars of the nature and alcoholic strength of such liquors (s. 16). (5) Corresponding to the duty of a Revenue Officer to inquire of persons as to matters comprised in the Ordinance is created a legal obligation for such persons to give true and correct information (s. 68). (6) If, in a prosecution in respect of liquors seized under the Ordinance, any dispute arises whether duty has been paid upon them, the onus of proof is upon the defendant (s. 76). (7) A ship of less than 100 tons' burden used in connexion with any offence

[1] This Ordinance was a reprint of the old Indian Act XIX of 1850.
[2] Passed in the year 1910.
[3] Passed in the year 1909.

in respect of which intoxicating liquors are forfeited under the Ordinance, will also be forfeited (s. 83) unless the offence was committed without the connivance of the owner. (8) The Crown is not actionable for loss or damage to liquors while kept in a bonded warehouse.

4. FEDERATED MALAY STATES.

[*Contributed by* A. DE MELLO, ESQ.]

1926.

Enactments passed—31.

Agricultural Pests.—The Enactments of 1913 [1] on this subject had already been amended five times, and further amendments being found necessary, it was decided to re-enact (No. 30) the entire measure for convenience, with certain alterations, the principal of which are in the following sections:

S. 5 (1) (*a*) gives an Inspecting Officer the right to enter on any land to search for pests; s. 6, following a recent amendment effected in the Straits Settlements law by Ordinance No. 18 of 1926, authorizes an Inspecting Officer to order the disinfection of latex-cups, spouts, and tapping-knives in rubber plantations, to prevent the dissemination of spores of disease, and, if necessary, to order the tapping to be stopped; s. 9. The prior enactment (of 1913) required proof of "wilful neglect" to obey an order, which was very often impossible. The amended section throws upon the person served with a notice the onus of showing that he has endeavoured to comply with it. Ss. 15, 16 provide for the case of "dangerous pests" beyond the control of an individual owner, and are on a par with the provisions of the existing law regarding locusts.

Criminal Procedure Code.—The existing Codes on this important subject were Enactments of the individual States, occasionally amended, but never hitherto formally re-enacted *en bloc* for the whole Federation, though such repeal and re-enactment had been contemplated since 1916. The present enactment (No. 22), modelled on the Criminal Procedure Code of 1910 of the Straits Settlements, incorporates, in addition to the repealed Codes, provisions for police supervision and maintenance of wives and children, which were formerly the subjects of separate Enactments. Apart from formal alterations necessitated by the federalization of the law, and minor drafting improvements, the main alterations or additions to the law are to be found in: C. VII. Security for keeping the peace, and for good behaviour; C. XIII. Information to the Police, and their power to investigate; C. XVII. Preliminary inquiries into cases triable by the Court of a Judge; C. XXII. Trials by Jury before the Court of a Judge; C. XXIII. Jurors and Assessors; C. XXVII. Sentences; C. XXXII. Inquiries of death; C. XXXIII. Persons of unsound mind; C. XXXV. Maintenance of wives and children; C. XXXVI. *Habeas Corpus*; C. XXXVII. Public Prosecutor; C. XLIV. Miscellaneous.

Of these, the alterations and additions in cc. XIII, XXIII, XXVII, XXXVII, and XLIV, and the new c. XXII are adopted almost entirely from the Straits Settlements Court. This last chapter does not establish

[1] See *Journal*, New Series, No. xxxii; *Review of Legislation*, p. 23.

trial by jury, but merely provides the machinery by which that procedure may be adopted in any State. The system of trial with assessors is retained. The enlargement of c. XXIII is consequential on the new c. XXII.

An attempt is made in c. VII to simplify the procedure when a person is arrested without warrant and brought before a magistrate in order to give security, and c. XVII has been amended to enable an accused person to give evidence in his own behalf at a Preliminary Inquiry, which he could not do under the prior Code.

C. XXXI has been amended ; the colonial procedure, with the Coroner as an officer distinct and apart from a magistrate, not being suited to the Protectorate regime of the Federated Malay States, has accordingly not been followed ; and the amendments are based on the existing practice as evolved by experience.

C. XXXIII simplifies the procedure with regard to accused persons of unsound mind.

Land Code.—The Land Enactment, No. 21 of 1913, and the Registration of Titles Enactment, No. 13 of 1911, were the work of a Commission which was appointed in 1911 to federalize the then existing State Enactments, and which drafted the measures rather by way of revision and amendment than as " what they considered the Enactments ought to be." The need was, however, universally felt of one single Enactment embracing the general principles of land alienation and administration, and registration, in place of two separate ones ; and the alteration in present-day conditions from those prevalent when the original laws had been passed accentuated the need. Circumstances had been too strong for the continuance of the dual system originally introduced ; for example, the occupant of customary land had acquired power to charge or lease his land, its area was surveyed, and he possessed a document of title ; dealings had to be executed in statutory form, and duly registered ; in short, he had become the owner of land held by entry in the *Mukim* Register. The slight remaining differences between his tenure and that of one who holds by grant were no longer of importance. The new Enactment (No. 24) makes the incidence of tenure the same for all land alienated, saving, however, the retention of the existing system by which dealings with one form of title are registered in the Land Office, and dealings with other forms of title in the Office of the Registrar of Titles. The Enactment is divided into twenty-three parts, of which Part I contains the usual interpretations designed to secure uniformity of wording and certainty of meaning, and repeals existing laws, saving rights acquired thereunder ; Part II deals with alienation of land ; Part III enumerates the rights reserved to the State ; Part IV details the statutory conditions and obligations upon which the proprietor obtains his land ; Part V sets out the position of the proprietor, the effect of his title, and his rights over the land ; Part VI contains the rules governing the registration of dealings with land, and is an amalgamation and expansion of the existing law, as contained in the aforesaid Enactments, Nos. 13 of 1911, and 21 of 1913, with the view of providing clear and definite instructions to the registering authority ; certain miscellaneous provisions of the existing law have been collected in Part VII dealing with special procedure applicable to certain specific cases ; Parts VIII to XV practically re-enact Enactment No. 13 of 1911, relative to registration of titles ; and Part XVI contains provisions for the service of notices, modelled on those

of the Civil Procedure Code (Enactment No. 15 of 1918)[1]; Part XVII (Survey and Settlement) reproduces the existing law; but Part XVIII (Collection of Land Revenue) marks a departure from it by introducing a combined notice of demand and warrant of attachment of moveable property, thus economizing one step in the procedure, and by limiting the amount of damages where a sale is annulled.

The remaining Parts reproduce the existing law.

A considerable amount of new matter is comprised chiefly in Parts II to V, and XVIII, *e.g.*: s. 10 and 95 (Minors not to be registered); s. 14 (Effect of plan on document of title); ss. 22, 23 (Survey); ss. 29, 43 (Limitation and prescription); ss. 34, 37 (xi) (Conditions of cultivation); s. 38 (Waiver); ss. 44–6 (Co-proprietors); ss. 53, 106 (Drainage outfall); ss. 81–9 (Registration); s. 98 (Implied agreement); s. 117 (Leasing of part of building); s. 128 (Sub-lease); s. 137 (Entry into possession by chargee); ss. 180–85 (Powers of Attorney); s. 253 (Grazing permits).

Lepers.—The subject had hitherto been dealt with by Rules made under the Quarantine and Prevention of Diseases Enactments (No. 1 of 1903), for which the present Enactment (No. 23) substitutes a more comprehensive measure, following closely on the lines of the Straits Settlements Ordinance No. 63 (Lepers).

The existing Rules are, in principle, reproduced in ss. 4–7, 13, and 14. Of the new matter, the most important provisions are ss. 6–8, exempting from arrest and detention lepers who are maintained in a state of isolation from the public, and who comply with the Rules made for that purpose; s. 15, evidence required to prove leprosy; and s. 16, admission into a leper settlement at the leper's own request.

Second-hand Dealers.—The prior law relating to the subject was comprised in ss. 32–5 of the Minor Offences Enactment (No. 25 of 1920),[2] and in Rules made thereunder, and required the licensing of all second-hand dealers, including itinerant dealers in old tins, bottles, etc. The law of the Straits Settlements, however, (Ordinance No. 163) ignored itinerant dealers, and had in view only the dealer on licensed premises.

The new Enactment (No. 14), while following in its main lines the Colonial Ordinance, prescribes two forms of licence, one for the shop-keeper, the other for the itinerant dealer, and restricted to certain articles mentioned in the Third Schedule, which is modifiable by the Executive. The provisions regulating shops follow those of the colony.

Goldsmiths purchasing articles of jewellery formerly sold by them are excepted from the operation of the Enactment, s. 2 (iii).

1927.

Enactments passed—27.

Boarding-houses.—There being no legislative provision for the regulation and licensing of hotels and boarding-houses, except for the application of Sanitary Board by-laws to "common lodging-houses," this Enactment (No. 24), modelled on the Hong Kong Ordinance No. 23 of 1917, enables such provision to be made.

It is an enabling Enactment only, *i.e.* having no effect except as it is applied by Rules to be made under s. 3, providing for the licensing of

[1] See *Journal of Comparative Legislation*, Third Series, vol. ii, pt. ii, p. 143.
[2] *Ibid.*, Third Series, vol. iv, pt. iii, p. 145.

boarding-houses, the registration of persons staying therein, and other minor and complementary matters. They may also, by defining "boarding house," prescribe the class of establishment to which the Rules apply; but any such definition must be subject to s. 2, and thus houses where the common practice is followed of letting out separate rooms without any domestic service being rendered cannot be brought within the ambit of the Rules.

Carriage of Goods by Sea.—No. 11 is parallel to Ordinance No. 4 of 1927.[1]

Machinery.—No. 8 repeals and re-enacts Enactment No. 5 of 1913,[2] with very slight changes.

The grades of "Assistant Inspector" and "Overseer Inspector of Machinery" are abolished, and administrative control under the Enactment is vested in the "Chief Inspector" (s. 3). Inquiries are no longer to be held by the Senior Warden, but by the Warden of the individual State concerned (s. 15).

By the new definition of "Court" in s. 2, jurisdiction to try offences against the Enactment is given to a Warden of Mines as well as to a magistrate; and s. 22 provides for the carrying out of sentences passed by a Warden.

Registration of Schools.—No. 21 is a close copy of Straits Settlements Ordinance No. 8 of 1926,[3] the only difference lying in the inclusion of ss. 24 (removal of defunct schools from the Register), 25 (Grants-in-aid), and 27 (1) (*g*) (control and supervision of subscriptions and collections for schools), which have no counterpart in that Ordinance.

The principal difference from the existing law is[4] that registration may be refused on other than sanitary grounds.

Town-planning.—This Enactment (No. 4) is an attempt to give effect to the precept contained in a Memorandum issued by the Ministry of Health, London, in 1921 that:

> Local authorities should, at the outset at least, make their own town-planning schemes as simple as possible, concentrating on the two essentials—settling the principal lines of communication and allocating areas for the purposes for which they are best suited ("zoning"), whether industrial, business, residential, or as open spaces; this procedure will make for economy and efficiency.

The Enactment differs from that of 1923 (No. 19), which it supersedes, in the following points: (i) the Sanitary Board is the authority in town-planning, and not a separate and independent committee; and town-planning officers are to take their orders from the Board. The Board may, however, for convenience appoint a Committee, but the final authority is still the Board (ss. 3 to 6); (ii) s. 7 of the present Enactment greatly simplifies the contents of the town plan, as compared with s. 15 of the old Enactment; (iii) the control of future development, so as to prevent infringement of an approved plan, is left to the Sanitary Board (s. 16); (iv) land shown in an approved plan as required for communications is to be acquired by the State (s. 18).

The Enactment avoids making any provision for improvement schemes or detailed lay-outs.

[1] *Supra*, p. 176.
[2] See *Journal of Comparative Legislation*, No. xxxii, p. 23.
[3] *Supra*, p. 175.
[4] As stated *supra*, p. 176, in the Review of the Straits Settlements Ordinance.

5. MAURITIUS.

[*Contributed by* E. Nairac, Esq., *Procureur-General.*]

Forty-six Ordinances were passed by the Council of Government and assented to by the Governor during the year 1927; of these the following, which are important or of interest not purely local, may be specially mentioned.

Paper Currency.—Ordinance No. 9 enables the investment of one half the equivalent of notes in circulation in such securities as may be approved by the Secretary of State.

Medical Practitioners.—Ordinance No. 14 settles a longstanding controversy dating many years back, and repeals an old inadequate Ordinance No. 22 of 1869. Its main object is to ensure that only those medical practitioners will be entitled to exercise the practice of medicine in Mauritius who are holders of (i) degrees or diplomas registrable in the United Kingdom; (ii) state degrees of Doctor in Medicine of any of the Faculties of France.

Sugar Industry Reserve Fund.—Ordinance No. 24 gives effect to a resolution of the local Sugar Industry Conference 1927 and provides for the imposition of a special export duty on sugars of 1927–8 crop to constitute a Reserve Fund, the objects being: (1) to subsidize and encourage experimental installation of new machinery in sugar houses and in cane plantations; (2) to finance an agency of the Chamber of Agriculture in England; (3) to provide for the costs of visits of suitable persons of this colony to other sugar-producing countries and of expert technologists from other countries to this colony; and (4) to defray any expenses in connexion with any other object which the Committee may consider beneficial to the sugar industry of the colony.

Carriage of Goods by Sea.—Ordinance No. 28 reproduces the provisions of the Carriage of Goods by Sea Act of 1924, thus applying to Mauritius and its Dependencies the unified rules agreed upon at the International Conference on Maritime Law held at Brussels in October 1922 as amended in 1923 at Brussels, and given effect to in the English Act.

Medicinal Tinctures and Drugs.—Ordinance No. 35 provides for the control of alcohol manufactured in the colony and issued for the local preparation of certain pharmaceutical products—a new industrial use of the local product.

Pensions.—Ordinance No. 40 amends the Pension laws, and provides mainly for the computation of pensions in months instead of in years. This Ordinance also allows, amongst other things, the inclusion for pension of non-pensionable service followed without break by service in a pensionable office and charges the colony with its proportionate share of pension in respect of officers of the Colonial Audit Department transferred to or from the service of this colony.

Judicial Separation.—Ordinance No. 41 amends Arts. 108 and 311 of the Civil Code, so as to bring our law on the same level as that of France in the matter of the administration and proprietary rights of a woman after she has obtained her judicial separation. She is given a domicile of her own and her rights to dispose of her property are unfettered.

General Loan and Inscribed Stock.—Ordinance No. 42 enables the Governor, with the approval of the Secretary of State, to suspend further contributions to Sinking Funds, when the Trustees of the Fund are

satisfied that no further contributions are necessary to redeem the loan when it becomes due.

Tobacco.—Ordinance No. 46 provides for the collection of an excise duty on tobacco and for the survey of manufacturers and curers of tobacco—a new industry capable of profitable development.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq., *Legal Adviser.*]

Seven Ordinances were passed during the year 1927. None presented any novel features, except Ordinance 3, which added to the Banishment Ordinance, 1901, a provision empowering the Governor to declare the property of any person against whom an order of banishment is made to be forfeited to the State. The object of this measure was to lessen the likelihood of the richer class of Chinese, to whom banishment might be little hardship, supporting communistic or subversive secret societies.

Other Ordinances passed were as follows:

Stamps.—Ordinance 1 amends the Stamps Ordinance, 1915, in order to prevent the avoidance of duty on the estates of deceased persons by voluntary conveyances prior to death.

Petrol Storage.—Ordinance 2 enacts safeguards for the storage of petrol in rural areas.

Drugs.—Ordinance 4 is a redraft of the existing law relating to the importation and sale of opium and *chandu* to give effect to the provisions of the International Opium Convention signed at Geneva on February 19, 1925.

Bills of Lading.—Ordinance 5 adopts the international rules relating to bills of lading set out in the Carriage of Goods by Sea Act, 1924, of the United Kingdom.

Town-planning.—Ordinance 6 deals with town-planning, and follows a similar enactment of the Federated Malay States.

Mining.—Ordinance 7 lays down the conditions on which licences to prospect for minerals and mining leases may be obtained. This enactment is founded upon the mining enactments of the Federated Malay States.

Rules of general interest passed during the year were few. Following an enactment in the Federated Malay States the Protector of Labour was given power to compel the medical examination of any inmate of a brothel suspected of venereal disease; considerable alterations were made in the Labour Law, including an increase of minimum wages and the strengthening of the powers of inspecting Officers of the Labour Department; and further restrictions upon gaming licences were imposed.

7. SEYCHELLES.

[*Contributed by* G. E. Cooper, Esq., *Legal Adviser.*]

1925.

Ordinances passed—13.

Patents.—No. 4 provides for the registration and recognition of United Kingdom Patents in Seychelles.

Turtle Fisheries.—No. 5 consolidates and amends the law relating to

turtle fisheries. Both the Hawksbill Turtle and the Green Turtle are important products of colonial waters and owing to development of the industry are in some danger of extinction. The Ordinance places certain restrictions on the fishery designed to protect the females when landing on the islands to lay their eggs and also regulates the trade in Turtle products.

Engineers.—No. 6 requires engineers of steamships to hold certificates of competency.

Plant Pests.—No. 12 prescribes measures for preventing the introduction of plant pests into the colony, and provides a system of examination and disinfection of imported plants.

1926.

Ordinances passed—8.

Whale and Shark Fisheries.—No. 3 regulates the whale and shark fisheries. It provides that whalers, factories, etc., used for this industry shall be licensed and empowers the Governor to limit the number of licences. Thus in effect a monopoly can be granted to any person who is willing to invest capital in developing the industry.

Electricity.—No. 4 authorizes and regulates the supply of electricity by private enterprise.

Notarial Acts.—No. 6 permits notarial Acts (except wills) to be typewritten or printed.

Carriage of Goods by Sea.—No. 7 applies the provisions of the Carriage of Goods by Sea Act to this Colony.

1927.

Ordinances passed—9.

Mortgages.—No. 5, a long Ordinance, consolidates the whole law relating to Mortgages (*Hypothèques*) and their inscription and the Registration of Deeds and other documents.

It prescribes the various fees, penalties, succession duties, etc., payable.

Education.—No. 6 establishes a scholarship tenable for four or five years at any educational establishment in the British Empire. It is competed for every alternate year. The scholarship is awarded on the results of the London University Matriculation Examination.

Dangerous Drugs.—No. 7 gives effect to the recommendations of the second International Opium Convention of 1925 and controls the importation and disposal of dangerous drugs.

IX. WEST AFRICA.

1. THE GAMBIA.

1924.

Ordinances passed—21.

Light Dues.—No. 1 provides for the payment of light dues at the rate of 1s. per ton on all cargo landed in The Gambia. The Receiver-General may refuse clearance until payment has been made. Power is given to the Governor in Council to exempt ships from dues in special cases.

Military Forces.—The West African Frontier Force (No. 5) and the West African Frontier Force (Reserve Force) (No. 8), contain the approved revised provisions (which are uniform throughout British West Africa) with respect to the various units of the West African Frontier Force and its Reserve Force.

Adulteration of Produce.—No. 6 provides for the use of a standard rotary screen for cleaning groundnuts. A penalty not exceeding £50, or, in default, imprisonment for not more than six months is imposed on any person purchasing or storing for export groundnuts without having been cleaned as provided. A similar penalty is imposed on anyone offering or accepting a fee or reward as an inducement to forgo the examination of groundnuts purchased or stored for export.

Customs Tariff.—No. 7 consolidates the law relating to customs duties.

Immigration.—No. 12 amends the law relating to immigration and imposes more stringent restrictions. S. 11 provides for the punishment and deportation of prohibited immigrants, and s. 13 defines the cases in which owners and masters of ships and employers are made responsible for the expenses incurred in connexion with the transport, maintenance and deportation of prohibited immigrants.

Repatriation of Convicted Aliens.—No. 13 provides for the repatriation of aliens convicted for any offence by a Court in The Gambia to the place of their birth at the close of their term of imprisonment.

Vaccination.—By No. 11 the parents or guardians of any child between twelve and fourteen years of age must present such child to a Public Vaccinator for re-vaccination. Non-compliance is penalized by a fine not exceeding £3, or, in default of payment, to not more than one month's imprisonment with or without hard labour.

Arms and Ammunition.—No. 14 brings into operation the provisions of the Convention for the control of the trade as to the traffic in arms signed at Saint-Germain-en-Laye on September 10, 1919, and makes provision for the regulation of matters relating to arms and ammunition.

Widows' and Orphans' Pensions.—No. 15 grants permission to any European officer in the service of the Government who was a contributor prior to July 1, 1915, to make a lump sum contribution or increase his contribution within a prescribed period.

Plant Protection.—For the prevention and eradication of diseases and pests affecting vegetation, No. 15 provides that the importation of plants, etc., may be prohibited by proclamation ; that all imported plants must be landed at a specified port of entry and delivered up for disinfection. Powers of search are given to the Director of Agriculture for plants illegally imported and such plants may be seized. The Governor in Council may proclaim infected areas, and occupiers of land must give notification of the existence of any disease or pest affecting their plants. Power of entry on land is given to the Director of Agriculture or his agent, and he may serve notice on the occupier requiring the eradication of any disease or pest found thereon, and on non-compliance by the occupier may take such measures as may be necessary for its eradication, the expenses of which to be recovered from the occupier, and in default as a debt before the Courts, and until paid shall be a first charge in favour of the Crown. The Ordinance also prescribes the proceedings for the recovery of expenses, and makes provision for compensation for the destruction of healthy plants. Protection is given to persons acting

under this Ordinance, and penalties are provided for its contravention and of any regulations made thereunder.

Licensing.—No. 21 provides for the licensing of medical practitioners, architects, civil engineers, surveyors, legal practitioners, bankers, shipping agents, hotel and restaurant keepers, wholesale and retail shopkeepers who deal in wares other than articles of native produce, tailors, jewellers, letter-writers, chemists and druggists at varying fees, but does not apply to a public officer who does not practise his profession otherwise than in the Government Service. All entertainments, other than for charity, to which admission can be had only on a money payment, must be licensed.

1925.

Ordinances passed—20.

Passports.—By No. 2 a passport is available for five years instead of two years as formerly, and may be renewed for any period from one to five years on payment of 1*s.* for each year of renewal provided that the validity of the passport is not extended beyond ten years from the original date of issue.

Statute Law Revision.—No. 4 provides for the preparation and publication of a revised edition of the Laws of The Gambia, and No. 17 amends sundry Ordinances as a preliminary to its preparation.

Police.—No. 7 gives authority to the Commissioner of Police to control traffic, and to publish, subject to the Governor's approval, such rules as to the conduct of drivers, speed and lighting of vehicles as may be necessary, neglect to obey which is penalized by a fine not exceeding 40*s.* and/or imprisonment with or without hard labour for not more than fourteen days.

Patents.—No. 8 repeals the law relating to registration of patents and provides for the registration in The Gambia of all patents granted in the United Kingdom, provided that application for registration is made within three years from the date of issue of the patent. The rights conferred in The Gambia date from the date of the patent in the United Kingdom and continue in force so long as the patent remains in force in the United Kingdom.

Wireless Telegraphy.—No. 15 legalizes the lease of the Wireless Telegraphy Station to the Admiralty.

1926.

Ordinances passed—10.

Electricity.—No. 1 provides for the installation of electric light in the Town of Bathurst and Kombo St. Mary.

Carriage of Goods by Sea.—No. 5 gives effect to the draft convention on Bills of Lading agreed to at the International Maritime Conference and Committees of the Conference in 1922 and 1923, and follows the form of the English Statute 14 & 15 Geo. V, c. 22.

Sale of Liquor.—No. 8 amends the principal Ordinance and authorizes the consumption of liquor in hotels, restaurants and clubs on Sundays provided the terms of their licence are complied with in all other respects. The penalty for a breach of such licence is a fine not exceeding £100 and, in addition, the Court may direct the licence to be cancelled.

1927.

Ordinances passed—9.

Boats and Canoes.—No. 1 amends c. 86 of the Revised Statutes 1926 by prohibiting the Harbour Master from granting a licence to any mechanically propelled boat, canoe, or vessel without first obtaining the written permission of the Governor, which he may refuse; by varying the number of passengers, including crew, from 4 to 5 for each ton measured burthen.

West African Frontier Force.—No. 8 modifies the principal Ordinance, s. 40 of the Revised Statutes, in several particulars, and adds new sections: prescribing a limitation of time for trial by courts martial (s. 41A); relating to inquiries as to, and confession of, desertion (ss. 51, 51A).

No. 9, dealing with the Reserve Force of the West African Frontier Force, amongst other amendments of the principal Ordinance, c. 41, adds new sections dealing with the declaration on enlistment; providing for a bounty on enlistment in the Reserve; granting permission to reside in Sierra Leone under certain conditions and dealing with members of the Sierra Leone Battalion Reserve residing in The Gambia.

2. GOLD COAST COLONY.

[*Contributed by* A. DE HART, ESQ., *Acting Attorney-General.*]

During the year 1927 thirty-four Ordinances were passed by the Legislative Council, of which the following are of more general interest or importance:

Criminal Code.—No. 8 prohibits the publication in the press of advertisements relating to fortune-telling, palmistry, astrology, and the like, such advertisements being likely to impose on members of the public.

Forests.—No. 13 takes the place of the old Forests Ordinance (c. 95). The old law, which related only to unoccupied lands, was never applied. The 1927 Ordinance which repeals c. 95 provides for the creation of forest reserves on the following areas: (1) crown land; (2) tribal or stool land; (3) private land at the request of the owner; (4) lands on which the destruction of forests is diminishing or is likely to diminish the water supply, or is injuring or is likely to injure the agricultural conditions of neighbouring lands or is imperilling the continuous supply of forest produce to the towns or villages on or contiguous to such lands.

Provincial Councils.—No. 15 implements the provisions of Clause XVI of the Gold Coast Colony (Legislative Council) Order in Council, 1925, which provides for the establishment of Provincial Councils of Paramount Chiefs in each Council of the colony.

Native Administration.—No. 18 is in a large measure a consolidating Ordinance taking the place of the following Ordinances, viz.: The Chiefs Ordinance, the Stool Property Detention Ordinance and the Native Jurisdiction Ordinance. At the same time it introduces a number of important changes in the law relating to native administration.

Under the Native Jurisdiction Ordinance the Native Tribunals had jurisdiction over natives, who were members of a native community of the Gold Coast, Ashanti or the Northern Territories. Under the new

Ordinance their jurisdiction extends, subject to certain exemptions, over persons of African descent who are natives of West Africa, or persons of African descent ordinarily residing within any of the above-mentioned territories.

Recognition is given to the position of the State Councils in the native constitution. Provision is made for the exercise by these Councils of important functions in connexion with the installation, abdication and deposition of Paramount and Divisional (subordinate) Chiefs. They are also given jurisdiction to deal with certain offences of a political nature.

The Supreme Court ceases to exercise jurisdiction in cases touching political or constitutional disputes between native authorities, or in land cases arising between Paramount or Divisional Chiefs belonging to different States. Jurisdiction in such land cases is transferred to the newly-constituted Provincial Councils, which are also empowered to deal with certain disputes of a constitutional nature, as well as with questions, matters or disputes referred to them by the Governor.

The jurisdiction of the Tribunals is increased in many respects, that of the Paramount Chiefs' Tribunals now becoming considerably larger than that of the Divisional Chiefs' Tribunals.

Defence Force.—The Gold Coast Defence Force Ordinance (No. 26) and the Gold Coast Territorial Force Ordinance (No. 27) provide for the establishment of European and African military forces for defence purposes.

Takoradi Harbour.—No. 34 provides for the management of the Harbour which, it is expected, will shortly be opened.

(i) ASHANTI.

During the year 1927 sixteen Ordinances were enacted with respect to Ashanti.

Forests and Defence Force.—The Forests Ordinance (No. 6) and the Gold Coast Defence and Territorial Force Ordinance (No. 14) apply the corresponding Gold Coast Colony legislation to Ashanti.

Stool Treasuries.—Of the rest the only Ordinance requiring special notice is No. 10, which provides for the establishment of Stool Treasuries, and enables the Governor to make regulations, and the native authorities by-laws, in relation thereto.

(ii) NORTHERN TERRITORIES.

Of the seven Ordinances passed with respect to the Northern Territories of the Gold Coast, the following are of special interest :

Land and Native Rights.—By No. 1 all lands in the Northern Territories, with certain exceptions, are declared to be public lands, and are placed under the control and made subject to the disposition of the Governor, for the common use and benefit of the natives. A title to the occupation and user of land is to be termed a right of occupancy, and it is lawful for the Governor to grant such right to natives and non-natives on terms for which provision is made in the Ordinance. The Ordinance does not affect mining rights or interests, which remain subject to the Mineral Rights Ordinance, 1904.

Land Disputes (Executive Settlement).—No. 2 empowers Commis-

sioners of the Protectorate in their executive capacity to hear and determine disputes between natives relating to land. Disregard or defiance of a decision or settlement made under the Ordinance is to be deemed an offence. But the provisions of the Ordinance do not extend to the settlement of disputes in connexion with the Mineral Rights Ordinance, 1904, or with the Land and Native Rights Ordinance, 1927.

(iii) THE BRITISH SPHERE OF TOGOLAND.

During the year 1927 two Ordinances were enacted with respect to the British Sphere of Togoland.

Land.—No. 1 excludes from operation with respect to the Northern Section of the British Sphere of Togoland the Northern Territories Ordinance entitled the Land and Native Rights Ordinance 1927, and in effect applies to the former territory the provisions of the Northern Territories Ordinance entitled the Land Disputes (Executive Settlement) Ordinance, 1927.

3. NIGERIA.

[*Contributed by* DONALD KINGDON, ESQ., *Attorney-General.*]

Ordinances passed—25.

West African Frontier Force Reserve.—No. 5 repeals the law and re-enacts it, substituting similar provisions with certain modifications.

Motor Traffic.—No. 10 repeals the law and re-enacts it, giving wider and clearer provisions in regard to motor traffic in Nigeria.

Poisons and Pharmacy.—No. 15 repeals the law and replaces Parts I and II thereof by other provisions.

Dangerous Drugs.—No. 16 re-enacts Part II of the law and substitutes other provisions in regard to dangerous drugs in order to comply with International Conventions.

Roads and Rivers.—No. 18 repeals the law with effect from April 1, 1928, the date upon which it is proposed that direct taxation shall become general throughout Nigeria.

German Missions.—No. 21 repeals Ordinance No. 10 of 1925 to enable German Missions that have returned to the scene of their former activities to recover possession of their property.

Income-tax.—No. 23 provides for the levy and collection of a tax assessed upon the estimated chargeable income payable annually by every adult (male) person resident in the colony.

4. SIERRA LEONE.

[*Contributed by* I. J. TURBETT, ESQ., *Acting Attorney-General.*]

During the year under review 38 Ordinances were passed by the Legislature. Of these Ordinances 28 either amended or repealed existing measures, 2 dealt with supply, and the 8 remaining Ordinances related to subjects which had not hitherto formed the subject of legislation. One Ordinance was reserved for the signification of His Majesty's pleasure. The following were the most important enactments, the first five of which dealt with new matters of legislation ; and the remainder were the principal measures amending and repealing legislation.

Criminal Law.—No. 2 applies to the colony (but not to the Protectorate) two of the provisions aimed at the protection of women and girls which were enacted in the Imperial Criminal Law Amendment Act of 1885. And it also extends to young women between the ages of sixteen and twenty-one the protection allowed to girls under sixteen in the recently enacted Children's Ordinance (No. 42 of 1926).

Survey.—This measure (No. 20) provides for the licensing of qualified surveyors and the recording and co-ordination of their work and generally for the proper carrying out of all surveys in the Colony and Protectorate. The Ordinance is based on the Gold Coast Ordinance of 1922.

Domestic Loans.—Ordinance No. 22 provides for the raising of a loan for certain public works and other undertakings.

Arbitration.—Ordinance No. 35 is based on the English Arbitration Act of 1889. Previously, except in so far as certain antiquated imperial enactments with regard to arbitration, and long since repealed in England, might have been in force, there was no law in Sierra Leone for the settlement of disputes by arbitration. This Ordinance was therefore passed with a view to supplying this legislative deficiency.

Minerals.—This enactment (No. 36) was passed in view of the inadequate legal provisions relating to minerals which were in force under the Concessions Ordinance, and secures for the general revenue a larger share of the value of minerals than would otherwise have accrued under existing legislation. All references to minerals and mining in the Concessions Ordinance have been deleted from that Ordinance. The Ordinance provides legislation on the lines of similar legislation in force in other parts of the Empire, and is also based to a large extent on the Nigerian enactment (c. 93).

Debtors.—Ordinance No. 13 applies the provisions of c. 51 *mutatis mutandis* to all the Courts in the Protectorate with the exception of the Courts presided over by the native chiefs.

Protectorate Land.—Ordinance No. 16 was enacted in order to simplify the law relating to the tenure of land by non-natives in the Protectorate and repeals the vague and unsatisfactory legislation which was previously in force under the Protectorate Native Law Ordinance. The measure assists materially the tribal authorities in their relations with squatters and prescribes that no non-native shall occupy any land without their consent and the subsequent approval of the District Commissioner. On the other hand, settlers who are in lawful occupation of lands are given *inter alia* security of tenure, fair rents, compensation for improvements and the right to remove fixtures. The fees to be paid by ordinary settlers have also been fixed and all rents are payable in the first instance to the political officers.

The tribal authorities will receive compensation for damage to their lands and will be saved much unnecessary and vexatious litigation concerning the terms of leases, sub-lettings, assignments and disputes as to payment of rents and fees.

Protectorate Courts Jurisdiction.—Ordinance No. 17 enables the District Commissioner's Court to have cognizance of suits relating to settlers' fees and rent for lands in the Protectorate where the amount at issue does not exceed £50. Certain provisions of the Summary Ejectment Ordinance are incorporated in this enactment, and will enable the tribal authorities to eject more expeditiously persons who have no title of any kind. The Ordinance provides also that only Provincial Commissioners

and District Commissioners nominated by them will preside over cases of ejectment and recovery of lands, thereby ensuring that only officers with the requisite experience of local conditions, native customs, etc., shall adjudicate in these matters. All aggrieved parties have been given an unrestricted right of appeal to the Circuit Court.

A further Amendment Ordinance (No. 19) was enacted in order to facilitate and improve the administration of justice in the courts of the District Commissioners by embodying in the principal Ordinance various provisions relating to procedure from the Magistrates' Courts Ordinance. The jurisdiction of the Protectorate Magistrates has also been extended to a great many offences which were previously only punishable on summary conviction in the colony.

Legal Status of Slavery (Abolition).—This measure (No. 24) finally precludes any Court from recognizing the legal status of slavery—and slavery with its concomitant disabilities is finally abolished.

Freetown Municipality.—Ordinance No. 38 repeals the existing enactment providing for the management of the affairs of the city of Freetown and replaces the former City Council by an entirely new Council of eight members, four of whom, including the President, will be public officers appointed by the Governor in Council. The enactment further provides that municipal elections shall be by secret ballot, and that due payment of the city rate shall be a condition precedent to enrolment as an elector. The Ordinance also gives the municipal franchise to women on the same terms as men. The powers of the Auditor over municipal expenditure have also been materially strengthened, and he has been authorized *inter alia* to disallow illegal payments and to surcharge those responsible for such payments. The vast majority of the powers and duties conferred by this Ordinance are similar, however, to those exercised and discharged by the former administration.

Seventy-seven minor and subordinate legislative measures were enacted during the year.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* the Hon. W. C. Huggard, K.C., LL.D., *Attorney-General.*]

Twenty-nine Ordinances were passed during the year, of which the following are the more important:

Bills of Exchange.—Ordinance No. 7 represents the English Bills of Exchange Act, 1882, as amended by the Bills of Exchange (Crossed Cheques) Act, 1906, and the Bills of Exchange (Time for Noting) Act, 1917, with such minor adaptations as are necessary to suit local conditions.

Customs Tariff.—Ordinance No. 9 prescribes the provisions which will apply in regard to the levy and collection of import duty as between the Kenya Government and the Government of any territory with which an agreement has been entered into under s. 263 of the Customs Management Ordinance, 1926, whereby the Government of the territory in which duty has been collected will make a payment in respect of that duty to the Government of the territory to which the goods are subsequently removed. The object of an agreement under that section is to avoid the

payment of double import duty on goods passing between the territories concerned.

The Ordinance provides that where the tariff of import duties is the same in each territory, goods upon which duty has been collected in the other territory may pass into Kenya without payment of any additional duty. Provision is made, however, for cases in which the import duty upon goods removed into Kenya may be higher than the duty originally paid in the territory from which they were removed. In such a case payment of a part of the import duty is required from the importer. Provision is also made for cases in which goods are removed from Kenya to another territory in which the import duty may be lower than the duty originally paid in Kenya. In this case a refund of a part of the import duty paid is allowed to the original importer. This refund is necessarily limited to circumstances in which the amount of duty paid can be accurately ascertained, and is confined to cases where the removal is effective within a limited time.

European Officers' Pensions.—Ordinance No. 11 regulates the pensions, gratuities and other allowances to be granted in respect of the service of European officers in Kenya.

King's African Rifles Reserve of Officers.—Ordinance No. 12 provides for the establishment of a Reserve of Officers in connexion with the King's African Rifles. The object of the Ordinance is to provide that, in the event of an emergency arising, the battalions of King's African Rifles may be brought up to strength without delay and to provide for the replacement of casualties.

Stamps.—Ordinance No. 13 amends the Stamp Ordinance so as to co-ordinate Kenya legislation with the law in force in Uganda and Tanganyika as completely as local conditions permit, the rates of duty in Kenya being on the whole lower than those of the territories mentioned.

Defence Force.—The Defence Force Ordinance, No. 14, provides for the organization of the European inhabitants of Kenya for the defence thereof.

Railways.—Ordinance No. 15 provides for the regulation, control and management of railways, ports, harbours and steamer services in Kenya and for matters incidental thereto. The Ordinance, in the main, reproduces the East African Railway Ordinance. Certain alterations and modifications necessitated by the creation of the office of the High Commissioner for Transport have been made.

Ancient Monuments Preservation.—Ordinance No. 17 provides for the preservation of ancient monuments and objects of archæological, historical and artistic interests.

Asiatic Officers' Widows and Orphans' Pensions.—Ordinance No. 20 makes provision for granting pensions to widows and children of deceased Asiatic public officers.

Civil Procedure.—Mention may be made of the following Ordinances and Rules thereunder brought into operation during the year :

The Civil Procedure Ordinance, 1924, is based on Indian Act No. 5 of 1908, but the Rules under the Ordinance are so framed as to introduce, as far as possible, English practice. Both the Ordinance and the Rules came into operation on August 1, 1927.

Bankruptcy.—The Bankruptcy Ordinance, 1925, and the Rules thereunder, both of which follow the English law on the subject, came into force on March 1, 1927.

2. NYASALAND PROTECTORATE.

[*Contributed by* W. HARRAGIN, ESQ., *Attorney-General.*]

1926.

During the year 1926 twenty-two Ordinances were passed, of which the following are the more important:

Tobacco.—No. 5 regulates and controls the growing and sale of tobacco by natives. Under this Ordinance a Native Tobacco Board is constituted which is charged with the duties of supervising and assisting native tobacco growers, who are required to register themselves at the headquarters of their district where registration certificates are issued, and these certificates must be returned at the end of the season endorsed by the purchasers of the tobacco with the details of their purchases.

Under Part III of the Ordinance purchasers of native-grown tobacco are required to take out licences in respect of each building used as buying premises, and to pay such tax as may be prescribed in respect of each hundred pounds or part thereof of tobacco purchased from natives. The Tobacco Ordinance applies only to such parts of the Protectorate and to such extent as the Governor in Council may by Proclamation direct.

Medical Practitioners and Dentists.—No. 6 replaces Medical Ordinances of 1906 and 1914 and sets up a Nyasaland Medical Council to deal with medical matters and to advise the Government thereon. By s. 11 of the Ordinance the privileges of registration may be extended to assistant or sub-assistant surgeons and hospital assistants who are, or have been, in the service of the Government, and Part II of the Ordinance provides for the keeping of a medical sub-register in which may be registered the names of any persons who may satisfy the Medical Council that they possess sufficient knowledge of medicine, surgery and midwifery, and that such registration is in the interests of the public. Persons registered in the sub-register are not to be deemed to be medical practitioners, and are not allowed to sign certificates required from medical practitioners; they may, however, practise medicine, surgery and midwifery and recover their fees and the value of any drugs supplied.

Water-works.—No. 11 enables the Governor by Proclamation to establish Water Areas whenever it appears desirable that the water supply in any area should be provided and controlled by a central authority. In each such area a Water-board is appointed in which are vested the control and administration of water-works constructed under the Ordinance, and the supply and distribution of water therein, subject to the general authority of the Governor in Council. A water-board may with the approval of the Governor construct such water-works as may be approved after submission of such plans as may be required. The Ordinance contemplates a Water-board providing the inhabitants in its area with water by means of stand-pipes, and all buildings in a water area other than those used for public purposes are assessed on their capital value upon which a rate is levied.

Forests.—No. 12 repeals the Forest Ordinance, 1911, and makes provision for the better protection of forests and trees on Crown Lands. This Ordinance gives powers of interrogation, search and arrest, and provides for the confiscation and disposal of forest produce unlawfully acquired.

Telegraphs.—No. 16 was passed on the Government taking over the telegraph system of the Protectorate from a private company. Under this Ordinance the Governor in Council has the exclusive privilege of establishing, maintaining and working telegraphs, provided that licences may be granted on certain terms and conditions to any person desirous of working a telegraph within any part of the Protectorate. By the definition of "telegraph" wireless telegraphy is covered, and the Ordinance repeals the Wireless Telegraphy Ordinance, 1908, leaving this matter to be governed by rules made by the Governor in Council.

Native Hut and Poll Tax.—No. 12 repeals the Native Hut and Poll Tax, 1921, and introduces a new system of taxation whereby the tax payable will automatically increase if not paid within the prescribed period, and proceedings against defaulters for non-payment of tax are postponed until after October 31. If any person has failed to pay any tax due under the Ordinance by that date he becomes liable on conviction to a sentence of imprisonment not exceeding six months, which may, however, be reduced to one month on payment of the tax or taxes due.

1927.

During the year 1927 nineteen Ordinances were enacted, of which the following are the most important:

Game.—Ordinance No. 1 repeals the Game Ordinance, 1911, and brings the Game Laws up to date and into closer conformity with those of the other East African Dependencies. Under this Ordinance nine different kinds of game licences are provided, and the species and number of animals which may be killed under these licences are specified in the Schedule to the Ordinance. Licences to shoot elephant are only obtainable by the holder of a visitor's or Protectorate full licence, and a special licence to kill one male Nyala and one rhinocerus is only obtainable by the holder of a full Protectorate licence, although these animals are included in the list prescribed for the holder of a visitor's full licence. The fees payable for the various licences are as follows: Visitor's full licence, £50; Protectorate full licence, £5; visitor's temporary licence, £5; Protectorate temporary licence, £2; private land licence, £2; native's licence, £1; an elephant licence, £10 for the first elephant, £15 for the second elephant, and £15 for the third elephant; and a special licence, £10.

Seditious and Dangerous Societies.—Ordinance No. 9 provides machinery for dealing with organizations holding or disseminating seditious and dangerous doctrines within the Protectorate, and where the Governor in Council is satisfied from information or advice which he deems reliable that the operations of any such society or organization are calculated to be detrimental or dangerous to the maintenance of public security or public order the Governor may by order direct that such society or organization shall forthwith cease operations within the time specified in the order.

Reserve of Officers for the King's African Rifles.—Ordinance No. 11 is a model Ordinance common to the group of East African Dependencies. The Governor may from time to time, with the approval of the Secretary of State, prescribe by notice in the *Gazette* the number of officers of whom the Reserve may consist, and the appointment of officers is made by the Secretary of State on the recommendation of the Governor. Officers

on the reserve are liable to be called up in case of emergency or of active service in any part of East Africa, and may also be called up for training for a period not exceeding one calendar month in each year.

Education. — Ordinance No. 14 was enacted following upon the establishment of a Department of Education in the Protectorate, and provides for the appointment of a Board of Education consisting of the Director of Education as President and thirteen members of whom not less than four shall be members of the Government Service, and not less than six shall be representatives of missionary and educational societies working in the Protectorate.

For the purposes of this Ordinance a school is defined as a place where any form of secular instruction is given to a body of pupils, and includes a body of pupils under instruction from a teacher. The Ordinance requires the proprietor of every school before such school is opened for the reception of pupils to appoint and notify the Director of Education of the appointment of some person connected with the school and resident in the Protectorate to be the responsible local representative of the proprietor, to whom any communication from the Government relating to the school may be addressed, and no school shall be established unless a notification in writing is sent by the proprietor to the Director of Education, furnishing the requisite particulars at least three months before it is proposed to open the school. A power is reserved to the Governor to forbid the opening of a new school on the recommendation of the Director of Education, until such time as he is satisfied that adequate educational facilities do not already exist in the neighbourhood of the proposed new school, and that a new school is necessary in the interests of the community. The Ordinance contains the usual provisions for the appointment and examination of teachers, the inspection of schools, a power to close schools, for grants by Government to schools, and for the establishment of provincial and district school committees to advise the Education Department on the requirements of the outlying provinces and districts.

3. TANGANYIKA TERRITORY.

[*Contributed by* F. A. Moseley, Esq., *Acting Solicitor-General.*]

Ordinances enacted—11.

Trades Licensing.—Ordinance No. 1 revises the system of trading licences and provides for an increase of the fees payable in respect of certain kinds of business, the object being to produce an annual revenue equivalent to that derived under the Trades Licensing Ordinances, 1923 and 1924 (which are hereby repealed), and the Profits Tax Ordinances, 1923 and 1924 (which are repealed by Ordinance No. 3 of 1927).

Itinerant Traders.—Ordinance No. 2 repeals the Pedlars and Live Stock Dealers Ordinances, 1923 and 1924, the terms of which it follows closely. The Ordinance applies not only to pedlars and live stock dealers, but to other traders without definite premises who had previously not been adequately controlled by the Trades Licensing Ordinance, 1923.

Tanganyika Railways Provident Fund.—Ordinance No. 4 provides for the establishment of a fund for the benefit of certain classes of employees of the Tanganyika Railways who are not eligible for pension from the funds of the Government of the Territory.

The fund is formed partly by monthly deposits, compulsory and voluntary, by employees, and partly by bonuses paid by Government to the credit of depositors.

European Officers' Pensions.—Ordinance No. 5 provides for the granting of pensions, gratuities or other allowances in respect of the public service of European Officers in the Territory. It makes provision for a gratuity and reduced pension at the option of the officer, for a gratuity in the case of an officer who dies in the service and for the apportionment of pension in cases of service in more than one colony.

Carriage of Goods by Sea.—Ordinance No. 6 is based upon the Imperial Act (Carriage of Goods by Sea Act, 1924) and gives effect to the draft Convention on Bills of Lading agreed at the meeting of the International Maritime Conference and Committees of the Conference in 1922 and 1923.

Land (Perpetual Succession).—Ordinance No. 7 provides for the appointment by certain societies and associations of trustees who may become a body corporate by whom land may be held in perpetual succession.

African Education.—Ordinance No. 11 enables the Government to assist the education of Africans in non-Government Schools by the payment of grants-in-aid upon certain conditions which are prescribed by Regulations.

4. UGANDA.

[*Contributed by* J. H. JARRETT, ESQ., *Crown Counsel.*]

Sixteen Ordinances were enacted in 1927, of which the most important were the following :

Crown Lands.—Under the principal law no re-entry upon demised premises was legal, unless for breach of covenant to pay rent or royalties, and to secure forfeiture for breach of any other covenant, it was therefore necessary to bring an action involving considerable trouble and delay, particularly in remote places. Ordinance No. 1 grants powers of re-entry for breach of any of the obligations in a Crown lease.

Aerial Navigation.—No. 3 regulates and controls air navigation in the Protectorate.

European Pensions.—No. 5 makes provision for the regulation of the pensions, gratuities and other allowances to be granted in respect of the service of European officers in the Protectorate. It has for its main object the maintenance of uniformity in Colonial Pension Law as between Uganda and all Dependencies, both in Eastern Africa and elsewhere. The main innovations introduced are : (1) The computation of pension on the basis of service calculated in months instead of years ; (2) provision for gratuity and reduced pension at the option of the officer ; (3) calculation or apportionment of pensions in cases of service in more than one Dependency ; (4) provision for gratuity in the case of an officer who dies in the service.

Asiatic Widows' and Orphans' Pensions.—No. 6 provides for a widows' and orphans' pension fund for members of the Asiatic Staff on lines similar to that existing in the case of European officers. The scheme provides for a fixed pension payable from a fund into which contributions

are paid by the Asiatic Staff. The scheme is optional for the existing staff, but compulsory to all future entrants to join the scheme.

King's African Rifles Reserve of Officers.—No. 7 provides for a reserve of officers to the King's African Rifles. There is in existence in each of the East African Dependencies a battalion of the King's African Rifles the officers of which are almost invariably seconded from the Regular Army to which they return in due course. There is no reserve of officers. It has been thought desirable to form such reserve, so that in cases of emergency the battalions may be brought up to and maintained at full strength. Such officers must be retired officers or ex-officers of the military forces of the Crown who are permanently resident in East Africa. Appointments to the reserve will be made by the Secretary of State on the recommendations of the Government and the period of appointment will in the first instance be for a period of three years.

Railways.—The Kenya and Uganda Railway Ordinance, No. 13, in the main reproduces the Railway Ordinance.

Certain alterations and modifications necessitated by the creation of the office of High Commissioner for Transport have been made. This Ordinance enables the High Commissioner of Transport for Kenya and Uganda to manage those railways, steamer and other transport services placed under his control by virtue of the Kenya and Uganda Transport Order in Council, 1925.

The responsibility of the High Commissioner as a carrier has been made clear by the substitution of new sections for s. 72 of the Railways Ordinance, by which the responsibility of a railway administration was that of a bailee under ss. 151, 152 and 161 of the Indian Contract Act.

There is no variation between this Ordinance and the corresponding Kenya enactment.

Education.—No. 16 provides for the development and regulation of native education and for the assistance of Indian education.

The principal objects of this Ordinance are: (*a*) To improve the status of teachers; (*b*) the formation of an Advisory Council to advise the Governor on questions of general education policy.

S. 4 constitutes the Advisory Council for native education. S. 13 constitutes District Boards of Education. S. 17 provides for the formation of provincial councils of education to assist supervision of District Boards. S. 20 gives power to the Governor in Council to levy a district education rate on the desire of the majority of the natives in any district. S. 23 gives power to form and keep a register of teachers. S. 25 provides for the examination of persons wishing to be certified as teachers. S. 32 provides for the registration of all schools. S. 37 provides for the control of employment of teachers. S. 40 provides for the regulation of pay of teachers.

Part II applies to Indian schools and provides for the establishment of an Advisory Council for Indian Education and gives power to the Governor to levy an education rate on the recommendations of the Advisory Council, but subject to the wishes of the Indian community.

Part III provides for grants made from Government funds on recommendation of the Director of Education at the request of the Advisory Council. Any grant may be withheld to an inefficient school.

Part IV provides for the inspection and closing of schools.

5. ZANZIBAR PROTECTORATE.

[*Contributed by* C. B. Francis, Esq., *Attorney-General.*]

Twenty-five Decrees were enacted in 1927, of which the most important were the following :

Civil Pensions.—No. 6 makes provision for the granting of pensions, gratuities or other allowances in respect of the public service of European officers in the Zanzibar Protectorate. The Decree is in common form with similar legislation enacted in the East African Dependencies.

Liquor.—The Liquor Decree (No. 7) revises and expands the previous law on the subject. The principle adopted in regard to the possession and consumption of intoxicating liquor is one of general prohibition subject to exemptions. The Decree recognizes two classes of persons—those upon whom exemption is conferred by law (referred to in the text as exempted persons) and those wholly prohibited, *i.e.* Arabs, Indians and African Natives. Provision is made for the control of importation, the keeping of stock-books by licensees, the use of orders for purchase and other covering authority for conveyance and handling of liquor by native servants and labourers. Part II deals with licences, Part III with the constitution and procedure of the Licensing Court ; Part IV with the granting of licences and objections thereto. The remaining provisions of the law (which extends to 118 sections) include matters connected with police control, penal and general clauses.

Former Enemy Aliens.—No. 8 abolishes all restrictions on former enemy aliens imposed by war legislation.

Druggists.—No. 10 provides for the registration of druggists after examination or upon the production of registrable certificates of qualification. A trade licence is imposed on registered druggists keeping open shop. The Schedules follow the Schedules of the Pharmacy Act, 1908 (Imperial), corrected up to 1925.

Dangerous Drugs.—No. 11 has been enacted for the purpose of giving effect to the provisions of the Geneva Convention relating to the control of opium and other dangerous drugs. It is modelled to a large extent on the Dangerous Drugs Act, 1920–25 (Imperial), and the regulations made thereunder. All existing legislation on the subject is repealed.

Auctions.—No. 12 provides for the control and licensing of persons conducting sales by public auction.

Quarantine.—No. 13 introduces a substantive measure based on the provisions of the International Sanitary Convention, 1926, to which the Protectorate is a party.

Public Roads.—No. 16 was enacted for the purpose of placing the status, administration and control of public roads on a proper basis. Power is given to the British Resident to declare new or existing roads to be public roads for the purpose of the law. Compensation for land expropriated is only given in cases where it can be shown that the making of the road has diminished the value of the property through which it is driven. Nominal compensation is payable for stone quarried for road purposes.

Guardian and Ward.—No. 20 was enacted for the better protection of young Arab and African wards on receiving their estates from their guardians.

Ancient Monuments.—No. 23 has been enacted for the better pre-

servation of monuments and other structures of archæological interest. The Decree follows the Kenya Ancient Monuments Preservation Ordinance, 1927.

Stamp Duties.—No. 25 introduces provisions for the imposition of stamp duties on certain documents.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* R. Wedd, Esq., *Advocate-General.*]

Ordinances passed—12.

There is little of general interest in the legislation of 1927, most of which is taken up with amendment and re-enactment of existing Ordinances, with the exception of the Education (Non-Government Schools) Ordinance and the Powers of Sheikhs Ordinance.

The Ordinances are as follows:

Code of Criminal Procedure.—Ordinance No. 4 gives a bench of three third-class magistrates the powers of a second-class magistrate sitting summarily.

Education (Non-Government Schools).—Ordinance No. 7 provides for the control and management of schools which are not maintained by the Sudan Government, the registration of teachers, inspection and closing of such schools as are not conducted in a satisfactory manner.

Powers of Sheikhs.—Ordinance No. 8 repeals and largely reproduces the Powers of Nomad Sheikhs Ordinance, 1922, enabling limited powers to be given to native sheikhs, either alone or assisted by tribal or district elders, to punish offences, and decide disputes among those subject to their tribal and local jurisdiction. This, however, is much more than a repeal and re-enactment of the former Ordinance, as it is intended to legalize or provide for native courts of various kinds all over the Sudan, such as the Chiefs' Courts among the pagans of the South and the Sheikhs' Councils of the Arabs, whether nomad or settled. It is, indeed, a long step forward in the establishment of recognized Native Administration on the natural or traditional lines of the natives' ideas.

Radif.—Ordinance No. 10 provides for the discipline, training and administration of reserves of discharged soldiers.

Sudan Defence Force Native Officers' Pensions.—Ordinance No. 11 authorizes and regulates the payment of pensions and gratuities to native officers of the Sudan Defence Force.

Statutory Rules and Regulations.—Among others are the following:

Pilgrims.—The Pilgrim Vessels Rules, 1927, under the Quarantine Ordinance, 1908, prohibit the carriage of pilgrims from the Sudan to the Hedjaz except by steamer.

Public Health.—The Bilharzia Regulations, 1927, under the Public Health Ordinance, 1924, provide for the control of persons entering or leaving several provinces in the Northern Sudan which have been declared to be areas infected with bilharzia.

Weights and Measures.—The Khartoum Province (Weights and Measures) Regulations, 1927, under the Public Order Ordinance, 1921, provide for the local standardization of weights, measures and weighing machines.

Public Order.—The Road Regulations, 1927, under the Public Order Ordinance, 1921, provide penalties for drunkenness in charge of a vehicle.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by* the HON. THE ATTORNEY-GENERAL.]

There were forty-four public Ordinances and four private Ordinances passed during the year. The principal Ordinances are :

Drainage and Irrigation.—Ordinance No. 7 makes provision for carrying out works of drainage and irrigation in areas on the coastlands which the Governor in Council has declared as areas benefited by such works. Plant and estimates are first prepared by the Director of Public Works, and, after consideration by the Governor in Council, are, with any objections to the scheme, laid before the Combined Court. If the Court approves of the expenditure the Governor may then declare the area and direct the Director of Public Works to proceed with the execution of the works. The total cost of the works is to be defrayed out of loan funds ; of this the Government is to bear the burden of 40 per cent. and 60 per cent. is to be repaid by the areas. Rates are to be levied to repay the proportion of the capital cost and for maintenance charges. The works in each area are to be under the management of a Board.

Carriage of Goods by Sea.—At the international Conference on Maritime Law held at Brussels in October 1922, the delegates at the Conference, including the delegates representing His Majesty, agreed unanimously to recommend their respective Governments to adopt as the basis of a convention for the unification of certain rules relating to bills of lading. At a meeting held in Brussels, in October 1923, the rules contained in the draft convention were amended by the committee appointed by the Conference. Ordinance No. 8 gives to the rules as so amended as set out with modifications in the Schedule to the Ordinance, subject to the provisions of the Ordinance, the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading. The Ordinance follows the Carriage of Goods by Sea Act, 1924, 14 & 15 Geo. V., c. 22.

Arbitration Clauses (Protocol).—Ordinance No. 16 gives statutory effect to the Accession of the Colony to a Protocol on Arbitration Clauses signed on behalf of His Majesty at a meeting of the Assembly of the League of Nations held on September 24, 1923. The Ordinance is an adaptation of the Arbitration Clauses (Protocol) Act, 1924, 14 & 15 Geo. V., c. 39.

Bankers (Drafts on Branches) Protection.—Ordinance No. 21 gives protection to bankers who have paid certain orders on forged endorsements. S. 60 of the Bills of Exchange Ordinance, 1891, protects a banker on whom a bill payable to order on demand is drawn if he pays the bill in good faith and in the ordinary course of business on a forged or an unauthorized endorsement. Where, however, the banker pays under similar circumstances a draft or order drawn by him on one of his principal or branch banks he obtains no protection because such draft or order is not a " bill " within the definition of the term. The Ordinance enacts that the expression " bill " in s. 60 of the Bills of Exchange Ordinance, 1891, shall be deemed to include a draft or order payable to order on demand drawn by a banker on his principal or any of his branch banks within the colony. In England protection is given in such cases by s. 19 of the Stamp Act, 1853, and in some other colonies legislation similar to this Ordinance has been recently adopted.

Wireless Telegraphy.—Ordinance No. 23 extends the provisions of the Wireless Telegraphy Ordinance, 1910, to aircraft, visual and sound signalling stations. Power is also given to the Governor during the continuance of an emergency to make rules with respect to the possession, sale, purchase, construction and use of apparatus for wireless telegraphy or visual or sound signalling.

Forests.—Ordinance No. 29 makes provision for the protection and control of forests and forest produce. The Ordinance follows on the general lines of the Forest Ordinances which have been adopted from time to time by other colonies.

Coroners.—Ordinance No. 28 is an adaptation to local circumstances of s. 20 of the Coroners (Amendment) Act, 1926 (16 & 17 Geo. V, c. 59). It amends the Ordinance of 1887 by providing that if prior to the commencement of an inquest, or if on an inquest before the jury have given their verdict, the coroner is informed that some person has been charged with the murder or manslaughter of the deceased, he shall, unless directed to the contrary by the Attorney-General, abstain from holding an inquest, and in the other case he shall adjourn the inquest until after the criminal proceedings and discharge the jury, but he shall not resume the inquest unless he is so directed by the Attorney-General. When an inquest is held or resumed if on the criminal proceedings a person has been charged on indictment no inquisition shall charge that person with an offence of which he could have been convicted or contain any finding inconsistent with the determination of any matter by the result of those proceedings.

Indictable Offences (Prevention of Corruption).—Ordinance No. 38 is an adaptation of the Prevention of Corruption Acts, 1906 and 1917 (6 Edw. VII, c. 34 and 6 & 7 Geo. V, c. 64), which has been adopted in most parts of the Empire, and deals with those offences which are triable by indictment under the Acts referred to and the punishments are similar.

Summary Conviction Offences (Prevention of Corruption).—Ordinance No. 39 is an adaptation of the Prevention of Corruption Acts, 1906 and 1917 (6 Edw. VII, c. 34 and 6 & 7 Geo. V, c. 64), and deals with the offences which under the English Acts are punishable on summary conviction, and the punishments are similar.

XII. WEST INDIES.

1. BAHAMAS.

[*Contributed by* the Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker.*

Acts passed—44.

Hurricanes Relief.—The 1926 Hurricanes Relief Act, c. 2, repeals the Hurricane Relief Act, 1926, provides that all expenditure under that Act shall be included in this Act, and authorizes the Governor in Council to spend £100,000 towards the reconstruction of public and private property, by making loans to sufferers, and for assistance to owners of houses and boats damaged in the recent hurricanes.

Revenue Consolidation.—C. 3 amends the Revenue Consolidation Act, 1873, by prohibiting the landing or transhipment of any goods from ships or shipwrecks from beyond the seas, without due entry.

Tariff.—C. 4 amends the Tariff Act, 1919, by prohibiting the importation of certain immature spirits and any deleterious ingredients used in

spirits; and the Tariff Amendment (No. 2) Act, 1920, by adding the proviso that no drawback shall be allowed on the importation of spirits, unless imported within one year of a previous importation the subsequent exportation of which entitled the importer to a drawback.

Spirits Importation Prohibition.—C. 5 prohibits the importation of whisky and brandy unless three years old.

Education.—The Education Amendment Act, 1927, amends the Education Act, 1908, by decreasing the number of members of the Board of Education to five, and validates the appointment of the existing Board.

Statute Law Revision.—C. 16 amends certain typographical errors in the Statute Law Revision Act, 1925, and revives the Tariff Act, 1919, which had been repealed inadvertently.

Secondary School.—C. 18 amends the First Schedule of the Public Establishments Act, 1925, and provides for the establishment of a secondary school with a head master and two assistant masters and the award of scholarships.

Building Regulations.—C. 19 repeals the Buildings Regulations Amendment Act, 1926, and amends the Buildings Regulations Act, 1925, by making unlawful the construction of any new building or repairs to roofs or sides of buildings within the limits of the City of Nassau unless the roof and/or sides of buildings are of fireproof materials; and the permission of such state of repair of walls and fences within a specified area as to be unsightly or dangerous.

Pensions.—C. 21 amends the Pensions Act, 1909, by making unlawful, except in certain cases, the grant of a pension to any public officer under the age of sixty years, unless such officer be physically incapable of discharging his duties; and imposing the obligation of retiring upon attaining the age of sixty years (fifty-five in the case of the Commandant and Commissioners) on such officer, if required to do so by the Governor in Council.

Public Holidays.—C. 22 amends the Public Holidays Act, 1926, by extending the attendance hours of public officials from 9 a.m. to 4 p.m., except on Fridays and Saturdays, when they shall be from 9 a.m. to 3 p.m. and 9 a.m. to 12 noon respectively; the offices are open to the public from 9.30 a.m. to 3 p.m. and Saturdays 9.30 a.m. to 12 noon.

Public Officers' Insurance.—C. 23 makes provision for the widows and orphans of public officers by requiring the insurance of the lives of officers under the age of fifty years for an amount equivalent to their respective salaries, the Treasurer to pay premiums and to recover a proportion of the premium from each officer. Officers already in the public service at the date of the coming into operation of the Act have the option of insuring their own lives.

Hatchet Bay Harbour Control.—C. 24 provides for the free use of the Harbour at Hatchet Bay, when completed, by any person or company responsible for its construction; authorizes the Governor in Council to make rules relative to the harbour and to impose taxes on certain ships for the use thereof, with the proviso that the Pierage and Wharfage Act, 1874, shall not apply thereto.

Speaker's Relief.—C. 28 enables the present Speaker of the House of Assembly to accept temporarily the office of Chief Justice without vacating the office of Speaker.

Dog Licences.—C. 35 amends the Dog Licences Act, 1907, by increasing the fine imposed on owners of dogs not duly licensed to £5.

Imperial Preference.—C. 41 repeals the Imperial Preference Act, 1926, and grants a preference of 25 per cent. on certain goods imported into the colony being the produce or manufacture of any part of the British Empire, subject to certain provisos.

Loans.—The General Loan and Inscribed Stock Act, c. 44, declares the terms and conditions applicable to loans authorized to be raised by the Government of the Bahamas and to provide for the creation of inscribed stock. This Act enables the Colony to raise loans in England. It is drafted from a model prepared in England and is the same as that in use in other Colonies. It embodies all the provisions of such model Bill including the provision enabling contributions to the Sinking Fund to be discontinued where the Trustees are satisfied that sufficient funds have been accumulated.

Ships Wireless Telegraphy.—The Ships Wireless Telegraphy Act, c. 49, makes it compulsory for every ship plying between any port of the Colony and the State of Florida to be provided with a wireless telegraph installation.

2. BARBADOS.

1926

Acts passed—42.

Reformatories and Industrial Schools.—Act No. 5 repeals and re-enacts in a consolidated form Acts Nos. 16 of 1890, 19 of 1912, 15 of 1915 and 26 of 1925 relating to the Reformatory and Industrial School, and Act No. 6 consolidates the Acts providing for the establishment, regulation and maintenance of a reformatory and industrial school for girls.

Dangerous Drugs.—Act No. 7 was passed to give effect to the Convention relating to Dangerous Drugs signed at Geneva on February 6, 1925. This Ordinance prohibits the cultivation of the opium poppy or the plant *Cannabis sativa*. The Act regulates the importation, exportation, production, sale and distribution of dangerous drugs, and is modelled on the English Dangerous Drugs Acts, 1920, 1923 and 1925.

Married Women.—No. 9 amends Act No. 5 of 1896 by enabling a married woman to dispose of trust estates, without her husband, in like manner as if she was a *femme sole*. It also provides that a settlement made by the husband, or intended husband, whether before or after marriage, respecting the property of any woman he may marry or have married, is not valid unless it is executed by her after she attains full age. But if she dies an infant any covenant or disposition by her husband contained in the settlement or agreement shall bind or pass any interest in any property of hers to which he may become entitled on her death, and which he could have bound or disposed of if this Act had not been passed.

Carriage of Goods by Sea.—Act No. 10 gives effect to the draft Convention on Bills of Lading agreed to at the International Maritime Conference in 1922 and 1923. The Act closely follows the English Act 14 & 15 Geo. V, c. 22.

Marriage.—Act No. 15 validates marriages with deceased brother's wife, daughter of brother of deceased wife or daughter of sister of deceased wife.

Central Road Board.—Act No. 16 establishes a Central Road Board to take control of the main arterial roads mentioned in the Schedule,

and to construct, reconstruct, repair, and maintain them during the period of the operation of the Act.

Canada West Indies Reciprocity (Tariff).—Act No. 17 ratifies the Canada-British West Indies-Bermuda-British Guiana-British Honduras Trade Agreement, entered into on July 6, 1925, and authorizes a steamship subsidy of £5,000.

Partnership.—Act No. 30 declares and amends the Law of Partnership and follows the English Partnership Act, 53 & 54 Vict. c. 39.

Boy Scouts.—Act No. 33 restricts the use of uniforms and badges of the Boy Scouts Association, and protects the rights of this organization.

1927.

Acts passed—51.

Pensions.—No. 1 varies the definition of "public officer" in Act No. 3 of 1925, by omitting under that title (*a*) the Governor, (*b*) his private secretary, (*d*) temporary employees, (*e*) commissioners of income-tax, and (*f*) the revising officer.

Barbados Tercentenary.—No. 4 provides for the celebration of the tercentenary of the first settlement of Barbados by setting apart February 21, 1927, to be observed as a public holiday.

Deportation.—No. 6 makes provision for the expulsion of undesirable persons, and gives power to the Governor to make expulsion orders, or, if he thinks fit, to order arrest and deportation. Power is also given to the Governor to make an expulsion order in anticipation of the arrival in the Island of an undesirable person.

Plant Protection.—No. 23 consolidates and amends the Acts relating to the eradication of the Mosaic Disease of any Sugar Cane or Grasses.

Oil in Navigable Waters.—Act. No. 28 provides against the discharge or escape of oil into the territorial waters of the Island. It follows closely the lines of the English Act, 12 & 13 Geo. V, c. 39.

Better Security.—Act No. 30 amends No. 38 of 1920 by prohibiting intimidation or annoyance by violence or otherwise under a penalty of a fine not exceeding £20, and/or a term of imprisonment not exceeding three months with or without hard labour.

3. JAMAICA.

1925.

Acts passed—22.

Larceny.—No. 2 penalizes larceny with penal servitude for a term not exceeding 7 years or with imprisonment with or without hard labour not exceeding 2 years. Such offences are triable in the Resident Magistrates' Courts.

Summary Jurisdiction of Magistrates.—No. 3 gives power to the Court to impose a fine instead of imprisonment, and when a sum is adjudged to be paid may (i) allow time for payment, (ii) direct payment by instalments and (iii) direct that person liable to pay be at liberty to give to the satisfaction of the Court security by way of recognizance with or without sureties. Time for payment may be allowed in certain circumstances. Proceedings may be taken if default is made in the payment of any one instalment. Power is given to the Court to extend

time for payment. A person adjudged to pay a sum may, by order of the Court, be searched and any money found on him on apprehension, or when so searched, or when taken to prison in default of payment, may be applied, unless the Court otherwise directs, towards the payment of the sum adjudged, and the surplus, if any, shall be returned to him. A person executing a warrant of distress may seize money found on the person against whom the distress is levied. In certain cases the Court may revoke terms of imprisonment.

Tariff.—No. 4 consolidates and amends the law relating to duties on imports.

Animals (Imported) Contagious Diseases.—No. 8 consolidates and amends the laws relating to the importation of cattle and other animals suffering from contagious and infectious diseases. It gives power to the Governor to appoint a veterinary officer, and provide quarantine grounds, etc., out of general revenue. It also gives power to the Governor in Privy Council to make orders, and when he thinks fit to prohibit the landing or importation of animals.

Plant Protection.—No. 10 was passed to prevent the introduction and spread of plant disease. It authorizes the Governor to declare any district to be infected with plant disease; to prohibit the importation of plants; to prescribe the means of isolation in regard to infected districts; to prescribe or regulate the destruction of plants, the disinfecting of any district, the period in which an infected district may be planted, the movement of persons, animals, soils, etc., into or out of an infected district; to regulate the duties of appointed persons; to declare disease to be notifiable and to prescribe measures to be taken in regard to any notifiable plant disease.

Savings Banks.—No. 11 consolidates and amends the law relating to the Government Savings Bank.

Passports.—No. 11 provides that any person landing in Jamaica must have a valid passport from the country of which he is a citizen or subject. It prescribes the form of application and the limitation of the passport, and requires that a passport be first viséd. It gives powers to the Governor in regard to the landing of aliens. It declares the acts the commission of which constitutes an offence against the law, and specifies the penalties.

Shop Assistants.—No. 15 is a consolidating and amending measure and prohibits the employment of shop assistants in certain districts before 8 a.m. on any day of the week and after 4 p.m. on Mondays, Tuesdays, Thursdays and Fridays, 2 p.m. on Wednesdays and 6 p.m. on Saturdays. An exception is made in the case of a trader whose trade licence does not exceed £5 per annum, when the closing time may be extended to 8 p.m. on Saturdays. Sitting accommodation must be provided for female assistants. No person under the age of 15 years shall be employed for a longer period than 42 hours (including mealtime) in any week. Penalties are incurred for contravention of the law and provision made for their recovery.

Trustees.—By No. 16 power is given to the Supreme Court to give relief to a trustee for breach of trust in certain circumstances.

Export of Plants.—No. 17 enables the Governor to prohibit the exportation from the Island of any living plant or seeds.

Public Health.—No. 18 makes provision for promoting the public health and for preventing the spread of communicable and epidemic

diseases. It is divided into 8 Parts and 2 Schedules. Part I, Interpretation; Part II, Administrative Authorities, establishing a Central Board of Health and defining its powers and duties; Part III, General provisions relating to food and water and unsound food; Part IV, Infectious diseases; Part V, Hotels and licensing of lodging houses; Part VI, Nuisances; Part VII, provisions relating to buildings; and Part VIII Miscellaneous. It repeals 16 laws passed within the period 1867–1920.

Tourist Trade Development.—No. 19 provides for the appointment of a Tourist Trade Development Board, and defines the powers and duties of such Board in relation to increasing and adequately providing facilities for tourists, as to the measures to be adopted for attracting them to the Island and generally for the improvement of the passenger services to the Island for such purposes.

Petroleum and Oil Fuel (Landing and Storage).—No. 22, consolidating and amending the laws relating to Petroleum and Oil Fuel, authorizes the making of regulations to control the landing and storage of imported oil fuel, and prevents discrimination in the supply.

1926.

Acts passed—40.

Turks and Caicos Islands.—No. 5 combines the offices of Commissioner and of Judge of the Supreme Court of the Turks and Caicos Islands, and validates all past proceedings of the Supreme Court of the said Islands. It provides that it shall be necessary for the holder of the said combined offices to possess legal qualification, and also validates past proceedings of the Legislative Board of the Islands. No. 6 alters the provisions of the Imperial Order in Council made on August 4, 1873, by the late Queen Victoria under the provisions of an Act of the Imperial Parliament passed on April 4, 1873, entitled An Act to enable Her Majesty by Order in Council to annex the Turks and Caicos Islands to the Colony of Jamaica.

Divorce.—By No. 8 a wife is entitled to present a petition on the ground of adultery of husband.

Wireless Telegraphy.—No. 9 makes provision with respect to wireless telegraphy on ships. All British ships of 1,600 tons and upwards shall be equipped with wireless. The law is to apply to non-British ships while in any port in Jamaica.

Bastardy.—No. 12 consolidates and amends the law relating to the maintenance of illegitimate children.

Police Pensions.—No. 13 relates to pensions, gratuities and disability allowances of sub-officers and constables of the Jamaica Constabulary Force.

Agricultural Produce.—No. 19 consolidates and amends the laws relating to agricultural produce.

Sales of Drugs and Poisons.—No. 20 regulates the sale of drugs and poisons, the sale, etc., of which is prohibited without a licence.

Gambling.—No. 28 defines "unlawful gaming" to include cock-fighting, and betting or playing a game for a stake when practised in any public place, in premises licensed to sell or possess intoxicating liquors or in a common gaming house. A penalty is imposed for keeping a common gaming house, which is defined. A penalty is also imposed on anyone taking part in a public lottery.

Opticians.—No. 33 makes provision for the registration of persons practising optometry in the Islands.

1927.

Acts passed—39.

Prisoners.—No. 3 prohibits the photographing of prisoners under a penalty of a fine not exceeding £10, or, in default of payment, imprisonment with or without hard labour for a term not exceeding one month.

Obscene Publications.—No. 8 provides for the suppression of obscene publications.

Carriage of Goods by Sea.—No. 10 gives effect to the draft convention on Bills of Lading agreed to at the International Maritime Conference, 1922 and 1923. It closely follows the English Act 14 & 15 Geo. V, c. 22.

Military Forces.—No. 21 regulates the local forces in the Island.

Licence Duties.—Nos. 34 and 35 prohibit the manufacture of soap and matches respectively without a licence under a penalty of a fine not exceeding £50 including costs. The licence duty is £1 per annum.

Dental Practitioners.—No. 36 provides for the registration and regulation of dental practitioners.

Spirit Licences.—No. 38 regulates the sale of spirits and the granting of licences in connexion therewith.

Resident Magistrates.—No. 39 consolidates and amends the Resident Magistrates laws.

4. WINDWARD ISLANDS.

(i) Grenada.

Ordinances passed—31.

Chemists and Druggists.—No. 1 regulates the registration of chemists and druggists, setting out the qualifications necessary for registration and the procedure to be followed by applicants for certificates of competency. A fine of £50 is imposed on anyone acting in such capacity unregistered.

No. 2 amends the Licensing Law, by prohibiting the licensing of a chemist's or druggist's business unless it is conducted by a registered chemist. No drug or medicine containing any poison may be retailed, dispensed or compounded unless a registered chemist is actually present at the time.

Agriculture.—No. 3 provides for the establishment and administration of a Department of Agriculture.

Public Health.—No. 4 gives power to the Sanitary Authority to make regulations for guarding against the spread of venereal diseases, etc.

Wireless Telegraphy.—By No. 10 the expression "Wireless Telegraphy" is deemed to include "Wireless Telephony."

Mental Diseases.—By No. 15 "mental hospital" and "mental hospital for criminals" are substituted for "Colonial lunatic asylum" and "criminal lunatic asylum" in c. 163.

Criminal Procedure.—By No. 16, amending the Criminal Procedure Code, a magistrate may caution accused admitting guilt in any of his statements as to whether he wishes witnesses to appear against him at trial, and the accused may be committed for sentence in lieu of trial; the answer of the accused consenting to be committed for sentence must

be taken down, read and signed, and such statement is admissible in evidence upon production without further proof by the Supreme Court.

It also provides for the transmission of proceedings within three days after such committal. The judge, as soon as convenient after receipt of documents, may order the accused to be brought up and notice thereof is given to the accused and Attorney-General by the Registrar.

The accused may at any time before he is brought up for sentence give notice in writing to the Registrar of withdrawal of consent to his committal for sentence and in such case he shall not be taken before the Court for sentence but brought up for trial at the regular sessions. No statement made by accused of consent to committal shall be given in evidence nor referred to at such trial, but notice of withdrawal of consent is to be filed in the Registrar's office and such notice may be put in evidence at the trial.

S. 9 regulates the proceedings on plea of not guilty or if indictment is not sustainable in the Court's opinion and (s. 10) the pleas competent to a person committed for sentence. S. 11 relates to the powers of the Court and the judge when dealing with committals for sentence and the attendance of officials and records in such case. By s. 12 notice may be given by person committed for trial of intention to plead guilty, such notice to be filed and entry made by Registrar, and the subsequent proceedings shall be as in the case of a person committed for sentence.

Nurses' Retiring Allowances.—No. 17 allows of the grant of a pensionable allowance to a nursing sister or matron who has received an appointment through the Overseas Nursing Association and has served during the period prescribed by the Ordinance in the public service.

Probation of Offenders.—No. 18 allows the Courts to permit conditional release of offenders and provides for probation orders and the conditions of recognizances. It appoints probation officers and defines their duties. It gives powers to the Court to vary the conditions of release and provides for cases where an offender fails to observe the conditions of release.

Dangerous Drugs.—No. 23 defines "cocaine," "ecgonine" and "Indian hemp," and provides for the control of dangerous drugs in transit to other countries.

Motor-cars.—No. 26 repeals the Motor-car Ordinances, 1914–27, and amends and consolidates the law.

Emigrants' Protection.—No. 30 repeals and re-enacts the law with amendments dealing with the emigration of persons from Grenada.

(ii) St. Lucia.

[*Contributed by* the Hon. J. E. M. Salmon, *Attorney-General.*]

Ordinances passed—11.

Animals Trespass.—No. 2 amends No. 15 of 1916 Revision. It prescribes the liability of the distrainor or pound-keeper in case of irregular sale, and it prohibits bidding or purchasing by a pound-keeper, police officer or District Court Officer.

Dangerous Drugs.—No. 10 amends No. 16 of 1926. It defines "cocaine," "ecgonine" and "Indian hemp," and provides for the control of dangerous drugs in transit.

Revenue and Taxation.—Castries (Tax Collection) Ordinance (No. 8) provides specially for the collection of the 1927 taxes and rates on property in the town of Castries. The collection could not be proceeded with within

the prescribed delays owing to the disastrous fire of May 14–15, 1927. Customs Duties Amendment Ordinances (Nos. 5, 7 and 11) amend the Schedule of Duties to No. 11 of 1921. Income-tax Amendment Ordinance (No. 8) provides for the collection of an additional 5 per cent. on the tax on 1926 incomes. Petroleum Amendment Ordinance (No. 1) requires the testing fee payable under No. 22 of 1916 Revision to be paid to the Treasurer and on his certificate to the person entitled.

Pensions.—Nurses' Retiring Allowance Ordinance (No. 9) allows of the grant of a pensionable allowance to a nursing sister or matron who has received an appointment through the Overseas Nursing Association and has served during the period prescribed by the Ordinance, in the public service.

(iii) St. Vincent.

Ordinances passed—18.

Agricultural Products Protection.—No. 1 provides for the keeping of a record by sellers of unginned cotton, not being licensed dealers in cotton.

Traffic Regulation.—No. 8 gives power to the Governor in Council to make regulations with respect to the use of vehicles and the conditions under which they may be used, lighting, instruments of warning, speed, and generally for the better regulation of traffic on roads. The Chief of Police may make orders as to the line to be kept in driving or riding, and as to stationary vehicles. Special regulations may also be made by the Chief of Police for preventing obstruction on roads and for the regulation of traffic in the neighbourhood of places of public resort. Contravention of any regulation made under this Ordinance is an offence and liable on summary conviction to a penalty not exceeding £5.

Public Health.—Ordinance No. 9 consolidates and amends the law relating to public health. Under the previously existing law the Governor in Council was the General Health Authority for the Colony and the Colony was divided into sanitary districts and each local authority was the sanitary authority for its district. The present Ordinance substitutes for these various authorities a single authority called the Sanitary Authority, consisting of the Chief Medical Officer advised and assisted by other members, five appointed by the Governor, and one member of the Kingstown Board appointed by that Board. The Ordinance is divided into 8 Parts: Part I, Sanitary Authorities; Part II, Sanitary Provisions, with regard to privies (ss. 5–7), bakehouses (ss. 8–14), regulations in respect of certain specified matters (s. 15), general nuisances (ss. 16–27); Part III, Notifiable Infectious Diseases, notification (ss. 28–31); prevention (ss. 32–47); Part IV, Epidemic and Endemic Diseases, power to make regulations (ss. 48–9), specific provisions with respect to Ankylostomiasis (ss. 50–6); Part V, Burial Grounds and Burials; Part VI, Venereal Diseases; and Part VII, Miscellaneous.

Emigrants' Protection.—No. 10 repeals and re-enacts with amendments Ordinance No. 1 of 1924.

Medical Officers.—By No. 11 Government medical officers supply at appointed stations and times free medical aid to all paupers, labourers' children under 14 years of age and labourers over 60 years, or at the residence if a pauper, child or labourer is too ill to travel. Free medical aid is extended in cases of venereal disease to all persons whose annual income is not more than £50 or who do not possess property worth more than £100.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. WHITEHEAD, ESQ., *Chief Clerk.*]

Twenty-one Ordinances were passed during 1927, of which the following are of interest :

Employment of Children.—Ordinance No. 4 prohibits the employment of children under twelve years of age in labour exercised by way of trade or for purposes of gain.

Legitimacy.—Ordinance No. 8 provides for the legitimation of children born out of wedlock. The Ordinance closely follows the Legitimacy Act, 1926 (16 & 17 Geo. V, c. 60).

Judicature.—Ordinance No. 11 confers on the Supreme Court jurisdiction in matrimonial causes similar to that existing in England, except as to dissolution of marriage.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* CAPTAIN MAXWELL ANDERSON, C.B.E., K.C., R.N. (RETIRED), *H.M. Attorney-General.*]

Eight Ordinances were enacted during the year 1927.

Currency.—Ordinance No. 1 authorizes the Government of Gibraltar to issue Currency Notes and provides for the establishment of a " Note Security Fund " to safeguard the issue. The notes issued under the Ordinance are to be legal tender in Gibraltar for the payment of any amount.

Civil Pensions.—Ordinance No. 2 is an enactment regulating the payment of pensions, gratuities and other allowances to be granted in respect of offices held in the public service of Gibraltar. It is drafted on model lines and contains regulations applicable to officers whose service has been wholly in Gibraltar and special regulations for officers with other public service, *i.e.* under the Imperial Government or the Government of India or of a British Colony or Protectorate or territory under a British Mandate.

Generally it permits of an officer being granted a pension of one-sixtieth of his emoluments for each year's service up to two-thirds of his salary ; it permits of his exercising the option to commute one-fourth of his pension for a lump sum calculated at ten years' purchase ; and in case of death while still in the service it provides for a payment of a gratuity of one year's emoluments to his widow or child or children under twenty-one years of age.

Alien Traders.—Ordinance No. 3 makes amendments in the Alien Traders Ordinance, 1924, the chief of which are that the business to be carried on shall be only such as is stated in the licence and that in case of the death of the holder of a licence his legal personal representative may carry on the business for the unexpired portion of the licence.

City Council.—Ordinance No. 4 amends the City Council Ordinance, 1921. It allows the appointment of a Vice-Chairman and enables all the electors to vote for the candidates in each of the four wards into

which Gibraltar is divided for the purpose of the election of the City Councillors. Formerly the electors could only vote for the candidates for election for the one ward in which they resided.

Legitimacy.—Ordinance No. 5 amends the law relating to children born out of wedlock. It is cited as the Legitimacy Ordinance and follows the same lines as the Legitimacy Act, 1926 (16 & 17 Geo. V, c. 60).

Limited Partnerships.—Ordinance No. 7 permits of the establishment of limited partnerships in Gibraltar. It follows the same lines as the Limited Partnerships Act, 1907 (7 Edw. VII, c. 24).

Licensing.—Ordinance No. 8 is the Licensing (Transfer of Powers) Ordinance consequent on the abolition of the office of Police Magistrate, who was formerly charged with the issue of certain licences. It provided that in the future revenue licences shall be issuable by the Treasurer and other licences (such as Hackney Carriage and their drivers, Box and Truck, Cart and Dog Licences) shall be issuable by the City Council.

2. CYPRUS.

[*Contributed by* C. C. GERAHTY, ESQ., *Attorney-General.*]

Laws passed—30.

The following are the principal enactments:

Delegation of Powers.—No. 1 empowers the Governor to delegate in writing to the Colonial Secretary, or other person or persons, all or any of the powers or authorities vested in him under the provisions of certain laws.

Game and Wild Birds.—No. 2 is an amendment to the Game and Wild Birds, Protection Law, 1922. It makes provisions for the prevention of shooting game by means of the use of motor-cars at night-time.

Electric Lighting.—No. 5 provides penalties for malicious injury to electric lines or works, stealing electricity, and for compensation for damage to any line, pillar or lamp. It empowers employees of Electric Light Companies to enter lands or premises for the purpose of ascertaining the quantities of electricity consumed and to cut off the supply of electricity in default of payment. It provides that electric lines and fittings shall not be subject to distress in certain cases.

Antiquities.—No. 6 amends the Antiquities Law, 1905, by giving power to the Museum Committee, with the approval of the Governor, to grant to an excavator a share of any antiquities discovered.

Dangerous Drugs.—No. 7 is an amendment to the Dangerous Drugs Law, 1925. It makes provision for the control by the Customs authorities over consignments of certain dangerous drugs to which Parts I and III of the principal Law apply, which are in transit, and which are consigned to some destination outside Cyprus, and which are carried by ships entering and leaving the territorial waters of Cyprus without transhipment of such drugs.

Carriage of Goods by Sea.—The object of Law 8, in which is incorporated Law No. 13, is to secure uniformity, so that shippers, consignees, banks and other holders of bills of lading, and also underwriters on cargoes and others indirectly interested, may in future know more definitely the extent of the obligations and liabilities of the shipowners under the document. It is modelled upon the Carriage of Goods by Sea Act, 1924,

which gives statutory force to the Rules adopted by the International Conference held at Brussels in 1922. It makes special provision for the coasting trade in Cyprus.

Customs and Excise.—Nos. 9 and 12 are amendments of the Customs and Excise Regulation Law, 1879. No. 9 extends the duration of licence to import firearms. No. 12 empowers the Comptroller of Customs and Excise, or any officer of Customs authorized by him, to grant, without reference to the Commissioner of the District, a special licence to import firearms to any individual personally known to the Comptroller or to the officer authorized to act on his behalf, and to any tourist or visitor.

Fraudulent Transfers.—No. 10 amends the Parliament Transfers Avoidance Law, 1886. It provides better protection to creditors by enabling them to apply to Court in the action in which the right to recover the debt has been established to set aside a fraudulent transfer whether such transfer is made before or after the commencement of such action. It further provides that the onus of proving the good faith of any transfer or assignment shall rest upon the transferor and transferee.

Customs and Revenue.—Nos. 11 and 27 are amendments to the Customs, Excise and Revenue Law, 1899. No. 11 makes provision for the reduction of the amount of import duty on motor-cars, motor-cycles and shot-guns imported by visitors for their own use in Cyprus for a period not exceeding four months. No. 27 provides for the reduction of Customs duties on the importation into Cyprus of currants and for the exemption from import duties of sports requisites and gear imported by and for the use of the troops stationed in the colony.

Pensions.—No. 14 amends the Pensions Law, 1905. It gives power to the Governor in Council, with the approval of the Secretary of State, to require or permit an officer to retire on pension from the service at any time after he attains the age of fifty-five years. It provides that an officer in the service at the time of the coming into operation of this law shall not be liable to compulsory retirement before he attains the age of sixty years.

Imperial Defence.—No. 16 makes provision for the annual payment of the sum of £10,000 to the Imperial Government as the contribution of Cyprus towards the cost of Imperial Defence.

Guarantee Fund.—No. 17 amends the Public Officers' Guarantee Fund Law, 1896, by making provision for an interim payment on account of the contribution of any officer leaving the local service or dying, pending the final settlement of the amount due to such officer.

Police.—No. 18 is an amendment to the Police Law, 1878. It gives power to the Governor in Council to grant gratuities to the dependants of non-commissioned officers or privates with over five years' service in the Force, who die while in the service.

Stamps.—No. 19 amends the Stamp Law, 1923, by giving power to the court or judge before whom an unstamped or insufficiently stamped document has been received in evidence to call by notice in writing upon the person who produced such document, or on whose behalf it was produced, to pay double the amount of the unpaid stamp duty. A penalty is provided for non-compliance with such notice.

Placards, Notices and Advertisements.—No. 20 makes provisions for the regulation and control of the exhibition of placards, notices and advertisements. In municipal areas the control is vested in municipalities and elsewhere in commissioners.

Shop Hours.—No. 22 empowers the Governor in Council to make, vary and revoke orders (subject to approval by resolution of the Legislative Council) fixing the opening hours of, or absolutely prohibiting the opening of, shops in which retail trade or business is transacted on Sundays.

Hours of Employment.—No. 23 gives power to the Governor in Council to make, vary and revoke orders (subject to approval by resolution of the Legislative Council) limiting the number of hours in which persons may be kept at work in any shop, factory or store or place of trade or business to be specified in such orders.

Matches.—No. 24 provides for the regulation and supervision of match factories. It further provides for the imposition of excise duty on matches manufactured and sold in the colony.

Building.—No. 25 provides for the delegation to Building Committees, constituted under the Law, of the powers of control and supervision of building operations and road and well construction on land of the Arazi Mirié category, which, by Ottoman law, are vested in the Government.

Tobacco Tax.—No. 30 is an amendment to the Ottoman Tobacco Tax Law of 29 Safer, 1292. It makes provision for the control and supervision of tobacco plantations. It provides for the inclusion of sufficient cigarette papers in the packet or receptacle containing tobacco. It further makes provision prohibiting the breaking open of duly banderolled packets or boxes containing tobacco, cigarettes, snuff or chewing tobacco for the purpose of exhibiting for sale, or for the purpose of selling therefrom tobacco, cigarettes, snuff or chewing tobacco in any loose form or manner.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—34; Ordinances passed—2.

The volume of legislation enacted in 1927 was not only greater than in any of the previous years since the granting of the Constitution, but it also included several measures of primordial interest.

Town-planning.—As a result of the award given by Sir Edgar Harper on June 21, 1922, important areas of land were transferred to the Civil Government by the Imperial authorities and the first Act passed by the Legislature makes the necessary provisions for the development and exploitation of these areas which are bound to add considerably to the improvement of streets and the structural beauties of the island's buildings.

Elections.—Act No. 3 supplements the Electoral Act of 1924, and with a view to the prevention of corrupt practices provides for the punishment of any person who makes any offer, promise or payment of money or other valuable consideration to an electoral agent or canvasser or who gives or takes on loan or hire to or from a polling place any cart, carriage, coach, vehicle or animal otherwise than for his own use and that of his father, brothers and sons. The Act further punishes any person who by writings, drawings or caricatures in newspapers, books, leaflets or cartoons renders public the private life of a candidate to the elections or puts the same into ridicule.

Workmen's Dwellings.—For the purpose of further facilitating the

building of houses for labourers, Act No. 6 establishes a Fund to which are credited all moneys received by the Government in respect of rents from workmen's dwellings. Whenever the Fund so created reaches the figure of £8,000, the Act enacts that the amount shall be appropriated *ipso facto* and without the necessity of further appropriation, to the construction of houses for workmen to be let to them on favourable and privileged terms.

Notarial Profession.—This profession, which was inadequately regulated under previous legislation, receives now full statutory recognition by Act No. 11, which covers the whole ground in regard to the admission of persons to the roll of Notaries Public, and the exercise of notarial practice. The profession of a Notary is declared incompatible with that of an advocate, legal procurator, merchant or civil servant. The Act establishes a notarial institute, having for its object the promotion of the "welfare and progress of the profession of notaries" and its supervision is entrusted to the Notarial Council which is empowered to inquire into cases of unprofessional conduct and to report the same to the Minister of Justice and to a specially constituted body styled the "Court of Revision of Notarial Acts" for further disciplinary action which may include suspension and the striking off the rolls.

Trade Unions.—Act No. 17 provides for the constitution of a register of Trade Unions and also lays down the conditions for their enrolment. No association is recognized as a Trade Union unless it consists of at least fifty male British subjects, the majority of whom are either artisans or manual workers ordinarily resident in Malta and unless it has for its principal object the improvement of the economic condition of its members or their mutual benefit. The Association, further, must not be affiliated to or dependent upon any Trade Union or other body established in a foreign country.

Administration of Justice.—Act No. 29 prohibits in general terms the printing or publishing, in relation to judicial proceedings, of any indecent matter, and follows, in the main, the provisions of the English Act (16 & 17 Geo. V, c. 61).

Commercial Law.—Ordinance No. 13 of 1857, which regulated commercial matters, had become antiquated and required revision in many respects. With a view to bringing the law merchant up to date, Act No. 30 repeals and re-enacts the old titles relating to trade and traders. Among its principal provisions may be mentioned (*a*) the publicity now given to marriage settlements to avoid fraud on the husband's creditors; (*b*) the prohibition of making use of names and trade marks capable of creating confusion with names and marks lawfully used by other traders or of spreading news likely to prejudice their industry and commerce or of adopting a false indication of the origin of merchandise offered for sale and (*c*) the revised regulations relating to trade books, mercantile agency brokers and commercial travellers and salesmen. With the object of restricting the frequent and abusive style of a "commercial agent," the Act introduces an innovation by enacting that no person shall act as a commercial agent without a warrant granted by the Prime Minister on the recommendation of the Minister for Industry and Commerce, such warrant to be immediately forfeited if the agent becomes a wilful or culpable bankrupt, or is convicted of any of the offences against property contained in the Penal Code. For the purposes of the Act, a commercial agent is defined as a "person who has general and personal

authority from one or more firms abroad to promote their business in Malta, and to transmit orders for acceptance."

Military Training.—Ordinances Nos. 1 and 2 are remarkable as purporting to alter the law on the subject of compensation payable in respect of any damage caused to private property in the course of training by the naval and military forces. Up to now such claims were referred to the Civil Courts, but the new rules establish that the question of compensation is one for the General Staff Officer or the Prescribed Naval Officer, and it is only when no satisfactory agreement can be reached that a case for arbitration will be deemed to have arisen with a final recourse to the Court of Appeal for special leave to appeal against the arbitration award.

XIV. PALESTINE.

[*Contributed by* NORMAN BENTWICH, ESQ., O.B.E., M.C., *Attorney-General.*]

Ordinances passed—52; Order in Council—1.

Currency.—The most striking legislation of the year 1927 was concerned with the new currency of Palestine. Since the British Occupation of the country at the end of 1917 Palestine used as legal tender, in place of the old Ottoman coinage, Egyptian currency notes and the Egyptian coinage. The Mandate for Palestine, however, contemplated that there should be a separate Palestinian coinage, and Art. 72 provides that any statement or inscription in Arabic on money in Palestine should be repeated in Hebrew.

The enactments about currency are contained partly in an Order in Council and partly in Palestine Ordinances. The Order in Council provides that the standard currency shall be the Palestine pound divided into 1,000 mils. The Master of the Mint in England is empowered to coin for use in Palestine: (*a*) a gold coin of one Palestine pound; (*b*) silver coins of 100 and 50 mils; (*c*) coins of lower denominations.

Gold coins are legal tender for the payment of any amount and silver for the payment of £P.2. The Order in Council contains stipulations with regard to the conversion to Palestine currency of sums due after the date of the Order in Egyptian pounds or Egyptian currency. The Palestine pound is to be exchanged for 975/1,000 of an Egyptian pound, and so on in proportion.

The Currency Notes Ordinance (No. 14) provides for the issue by a Palestine Currency Board which is constituted by the Secretary of State of currency notes for Palestine. They may be of denominations approved from time to time by the Board, and at present are of the value of £P.100, £P.10, £P.5, £P.1 and 500 mils. A currency note is legal tender for the amount expressed therein. The Ordinance contains severe penalties against forgery and imitation of notes, the possession of materials for forging notes, or the mutilation of notes.

The Palestine Currency Substitution Ordinance (No. 37) provides for the substitution of Palestine currency in place of the Egyptian and Ottoman currency that is referred to in the laws in force in Palestine. The Palestine pound is substituted for the Egyptian pound and the Turkish pound; and the mils in Palestine currency for Egyptian or Turkish piastres at the rate of 10 mils per piastre.

The Coinage Ordinance (No. 48) replaces the inadequate provisions of the Ottoman Criminal Law with regard to coinage offences by provisions which follow closely the English Law and impose severe penalties on principals and accessories to the offence.

The Bank-notes Forgery Ordinance (No. 42) is a measure for a similar purpose replacing the Articles of the Ottoman Penal Code which deal with the falsification of bank-notes.

Revenue.—Apart from the introduction of the new coinage, the year 1927 was marked by a number of important fiscal measures which called for legislation.

The Palestine Loan Ordinance (No. 38) makes provision for the issue of a loan of £4,500,000, which is secured on the revenues of the Government. An English Statute was passed early in the year to enable a Treasury guarantee to be given in respect of the loan to be issued by the Government of Palestine, and providing for the insertion of a fair wage clause in any contract with regard to public works to be executed out of the proceeds of the loan. The Palestine Loan Ordinance prescribes that the stocks or bonds shall be issued by the Bank of England ; and the High Commissioner is to remit each half-year the interest on the whole of the outstanding stock to the Bank and the sum required for the formation of a sinking fund. Any sum paid by the British Treasury on account of the guarantee is to be repaid out of the general assets and revenues of Palestine, and forms a charge on the Government revenues immediately after the charge on the principal money interests secured by the stocks or bonds of the loan. The whole loan is redeemable at a date not later than forty years from the time at which it is raised.

A new Customs tariff was issued at the same time as the new currency came into force by Ordinance No. 40. The policy which was initiated in 1924 of replacing the general *ad valorem* duty in force under the Ottoman system by specific duties is extended ; and the former tariff is revised so as to reduce the duties on certain commodities and articles of necessity while raising it on articles of luxury and on certain imported manufactured articles which competed with Palestinian products and manufactures.

The Intoxicating Liquors Ordinance (No. 42) replaces the complicated and inadequate system of control over the manufacture of liquors which had been inherited from the Ottoman regime. It replaces, also, the former excise duties which were unproductive by a scientific scale of duties on liquor consumed in the country, and licence fees payable by manufacturers and dealers. Every consignment of liquor which is removed from the premises of a manufacturer must be accompanied by a permit endorsed by an Excise Officer and a retailer is required to obtain a licence and to produce a permit for every consignment of liquor received by him.

The Salt Amendment Ordinance (No. 38) supplements the principal Ordinance of 1925, and makes provision for the abolition of the Government monopoly on the production and sale of salt which had been maintained by the Government since the British Occupation. In its stead a system of licensing the manufacture of salt is established ; but the sale of salt, whether by wholesale or retail, may be undertaken by any person without a licence. An excise duty is imposed on salt manufactured in Palestine.

The Matches Excise Ordinance (No. 13) introduces an excise duty on matches manufactured in the country. A high Customs duty on imported

matches was prescribed in 1925, with the result that a degree of protection for the manufacture of matches was established.

The Stamp Duty Ordinance (No. 31) replaces the complicated Ottoman legislation on stamp duties by a simpler system based on the English Statute. Under the Ottoman regime there were two forms of revenue stamps: (*a*) those of the Ottoman Public Debt, of which the revenue was assigned to the Debt Commission; and (*b*) the so-called Hejaz Stamp, of which the revenue was originally assigned for the maintenance of the Hejaz Railway. Two stamps were required to be placed on a large number of documents and great inconvenience was caused thereby in a number of mercantile transactions. The Ordinance provides for a system of impressed stamps upon a large number of documents and adhesive revenue stamps on other documents which are in more frequent use. The number of documents which are subject to stamping is only a fraction of those that fell within the terms of the Ottoman Law. Stamp Commissioners are appointed who adjudicate on the duty on any document submitted to them.

The Commutation of Tithes Ordinance (No. 49) embodies the first step in the replacement of the Ottoman system of tithes which were annually assessed on the whole of the agricultural produce. It is intended to replace the tithe and the land tax on agricultural land by a single land tax as soon as the land settlement is carried out. Pending that reform, the Ordinance enables the imposition in any parts of the country of an average annual aggregate tithe based on the tithe paid during the previous four years. The commuted tithe is imposed on the reputed owners of the land in the village; and the distribution of the total tithe in the village amongst the reputed owners is carried out by a local Committee chosen by the cultivators themselves. A revision of the assessment is made by a Government Commission, and there may be a final appeal by any person concerned to the District Commissioner.

Industrial Legislation.—The Workmen's Compensation Ordinance (No. 4) is modelled on the English legislation concerning workmen's compensation, but restricts the right of compensation to manual workers engaged in certain specified trades and industries, which involve special danger to the employees. Those industries are building operations, transport by railway and motor vehicles, blasting, excavation, quarrying and mining, manufacturing operations in which mechanically driven machinery is used, generation and distribution of electricity, the laying and maintaining of telegraph and telephone lines, and works connected with the public supply of water and public drainage. Employees of the Government enjoy the benefit of the Ordinance. The maximum amount of compensation where death results from an injury is £P.250 and the minimum £P.150. Where total or partial incapacity for work results, the workman may receive a weekly payment not exceeding half his average weekly earnings, and with a maximum of £P.1 a week. Any difference that arises between a workman and employer with regard to the application of the law is to be settled by arbitration, subject to the reference of a point of law to the Courts if either party so requires.

The Industrial Employment of Women and Children Ordinance (No. 53) gives power to the High Commissioner to make Regulations prescribing the conditions under which women and children may be employed in such undertakings and declaring that certain trades and operations shall be deemed to be dangerous trades in which they may not

be employed. Inspectors may be appointed to see to the observance of the Regulations which prescribe, among other things, that no child under the age of 12 may be employed in an industrial undertaking, and no child between the ages of 12 and 16 may work in such undertaking for more than 8 hours a day or between the hours of 7 in the evening and 6 in the morning. No woman may be employed between the hours of 10 at night and 5 in the morning, or during the period of 11 consecutive hours, including those hours.

The Regulation of Trades and Industries Ordinance (No. 52) deals with the licensing by the Public Health and Police Departments of a number of trades and industries which affect public health and public security. Any classified trade may be carried on only under a licence which will be granted only when the premises have been approved by the Health Department. Powers of inspection are given over all such premises, and a Court or District Commissioner may issue a closing order if there is a contravention of the Regulations.

Administration of Justice.—The Criminal Law is amended and amplified by a number of enactments :

No. 2 deals with offences against women and children and brings the law with regard to the keeping of disorderly houses, indecent assault, and graver offences of the kind into accord with modern standards.

No. 50 replaces the provisions of the Ottoman Penal Code with regard to parties to offences, accessories, attempts at offences, and conspiracies to commit offences, by provisions which are based upon English principles.

No. 22 alters the law with regard to obscene publications so as to conform with the International Convention in the matter, to which Palestine has adhered.

No. 3 strengthens the Ottoman law with regard to the offence of intimidation. It applies the provisions of the English law concerning threats and intimidation, particularly with regard to labour disputes. At the same time, the right of peaceful picketing by the parties to an industrial dispute is preserved by a clause which follows with some modification the provisions of the English Trade Disputes Act, 1906, as follows :

> Provided that it shall be lawful for one or more persons acting on their own behalf or on behalf of any association or an industrial employer or firm, in contemplation or furtherance of an industrial dispute, to attend at or near a house or place where the person works or carries on business, if they so attend merely for the purpose of peacefully obtaining or communicating information or peacefully persuading any person to work or abstain from working.

The Criminal Procedure (Release on Bail) Ordinance (No. 35) replaces the provisions of the Ottoman Code of Criminal Procedure concerning bail ; and the Criminal Procedure (Evidence) Ordinance (No. 33) makes statements taken in the preliminary examination of witnesses by certain police officers admissible as evidence of a false statement if the witness afterwards goes back on his deposition when he appears before the magistrate or at the trial. It provides, also, for Regulations for the identification of prisoners by the taking of finger-prints and makes such evidence admissible when produced by the police authorities.

In order to facilitate the pursuit of fugitive offenders over the frontiers of neighbouring States Agreements have been made with the Governments of Egypt and Syria by which the police of either territory may

penetrate in hot pursuit into the adjoining territory up to a certain point beyond the frontier ; and Ordinance No. 12, giving effect to these Agreements, authorizes the officers of Syria and Egypt to enter the territory of Palestine and arrest the fugitives of whom they are in pursuit.

The Foreign Prisoners' Detention Ordinance (No. 17) authorizes the detention in Palestine prisons of a person sentenced to imprisonment by a Court of competent jurisdiction outside of Palestine, having regard particularly to the need of transferring prisoners occasionally from Transjordan.

The Penal Labour Ordinance (No. 21) empowers the police authorities to apply the system of penal labour outside of prison at the option of the person sentenced where the sentence does not exceed one month's imprisonment. The convicted person in such a case is required to do labour on some public work for a period of seven hours a day without payment, but is not incarcerated. In case of failure to comply with the conditions, he would serve the ordinary imprisonment.

Religious Communities.—The Change of Religious Communities Ordinance (No. 43) replaces certain Ottoman decrees which prescribed that where a person proposed to change his religious Community, opportunity must be given to the religious authority or Community he is leaving to persuade him not to abandon his faith ; and that if he persisted in his intention, the change was to be recorded by a Government authority. The Ordinance requires only that where a person has changed his religious Community and desires legal effect to be given to the change so as to alter the jurisdiction in matters of personal status—those matters being normally dealt with in Palestine not by the Civil Courts, but by Religious Tribunals—he must notify his intention to the District Commissioner who, on being satisfied that the convert may be received into the new Community, will register the change. It is provided that a change duly registered is not to affect any liability of the person which was incurred by him prior to the registration, and in particular if he were married under the law of one Community it will not alter the jurisdiction or the rights arising out of that marriage.

Village Roads and Works.—No. 1 provides for the making of village roads and similar public works in village areas by the system of a local rate, and contains a provision that any of the inhabitants of the area may opt to do work on the road or similar purpose in lieu of paying the rate. The law replaces the Ottoman legislation which prescribed compulsory labour of the population for the construction and maintenance of roads.

Censorship.—Two Ordinances were passed dealing respectively with the censorship of cinematograph films and of dramatic and other entertainments by a central authority. No. 27 amends the previous enactment with regard to the censorship of cinematograph films. No. 28 provides that the Censorship Board, which has hitherto dealt only with films, is to control the production of dramatic and variety entertainments and circus entertainments.

Guides.—In order to protect visitors to the country from the importunities of unqualified persons offering themselves as guides an Ordinance (No. 18) was enacted for the licensing of guides, who are required to give proof of their knowledge of the antiquities and historical sites before they receive a licence. Persons who are not licensed and offer themselves as guides are liable to penalties.

Railways.—No. 30 replaces an earlier Ordinance of 1922, and sets out

the rights and obligations of railway enterprises and defines a number of special railway offences. Hitherto railways in Palestine have been Government enterprises; but provision is made in the law for private railway companies.

Electricity Concessions.—It was necessary to validate by legislation the two Concessions given to Mr. Rutenberg for the generation of hydro-electric power. The Ordinance, No. 9, gives the High Commissioner the power also to regulate by order the use of the water of the rivers for irrigation so as not to conflict with the terms of the concessions.

Fruit Export.—The need of maintaining the quality of Palestine fruits, especially oranges, which are exported in large quantities to Europe, by some system of inspection and marking was emphasized by a Commission of the Empire Marketing Board; and legislation to carry out the recommendations of the Commission was enacted. The Ordinance, No. 51, prescribes that all citrus fruits exported from the country shall be inspected and inspectors have full powers of rejecting any consignments which contain rotten or unfit fruit. Penalties are imposed for exporting fruit contrary to the provisions of the Ordinance.

Reconstruction Loans.—A short Ordinance (No. 45), which was enacted after the serious earthquake which caused great damage to several towns of Palestine, provides for the exemption from fees on registration of conveyance and mortgages in connexion with loans granted by the Government to sufferers from the earthquake, for the purpose of enabling the construction of new houses or the rebuilding of the shattered houses.

FOREIGN.

1. FRANCE.

[*Contributed by* OLIVER E. BODINGTON, ESQ.]

Budget.—By the Finance Law of December 19, 1926, the duty on the transfer of Registered Stock is reduced from fr. 1·08 per cent. to fr. 0·80 per cent. and the duty on conversion of Registered Stock into bearer warrants is reduced from fr. 2·40 per cent. to fr. 0·80 per cent.

The provisions regulating export of capital are maintained until December 31, 1927, but it is provided that this period may be shortened by decree.

Income-tax.—By a comprehensive decree of October 15, 1926, all the various laws concerning income-tax and the various schedule taxes connected therewith have been codified.

Extradition.—This is the first time that an extradition law (Law of March 10, 1927) properly so called has been enacted in France. It is provided that the law is applicable in the absence of any treaty, and also in regard to such points as may not have been settled by treaty.

Art. 2 provides that no extradition shall be allowed of any person who has not been the object of a prosecution or a judgment for an offence provided for in the present law.

This provision is important as it does away, so far as France is concerned, with the generally recognized sovereign discretion which a Government had to extradite, even for an offence not included in a treaty, or the law.

Art. 3 provides that extradition can only be granted in the following three cases: (*a*) If the offence has been committed upon the territory of the petitioning State by a subject of that State or by an alien; (*b*) outside its territory by a subject of the petitioning State; (*c*) outside its territory by an alien to the petitioning State when the offence is included amongst those of which French law authorizes the prosecution in France, even when they have been committed abroad by an alien.

It is provided by Art. 4 that the fact which may give rise to extradition, whether it is a question of asking for it or granting it, are the following: 1. All acts punishable by criminal penalties by the law of the petitioning State—(these are, generally speaking, what we should call felonies). 2. Cases punishable by "correctional" penalties by the law of the petitioning State, when the maximum penalty according to that law is at least two years, or, in the case of a prisoner sentenced when the penalty pronounced by the jurisdiction of the petitioning State is of at least two months' imprisonment. (These are what we should call, generally speaking, misdemeanours.)

It is provided that in no case will extradition be granted by the Government unless the act is punishable by French law with "criminal" or "correctional" penalties in the above sense.

Accessories to the crime or attempts at crime are subject to the same rules provided they are punishable, both according to the law of the petitioning State and of the petitioned State.

Art. 5 provides that extradition will not be granted: 1. When the individual whose extradition is applied for is a French citizen or a citizen of a French protectorate at the time of the commission of the offence. 2. When the crime or offence has a political character or when it appears from the circumstances that extradition is applied for from a political motive. 3. When the crimes or offences were committed in France or in any French colonial possession. 4. When the crimes or offences, although committed out of France or French colonial possessions, have been prosecuted and finally adjudicated upon there. 5. When either according to the laws of the petitioning or those of the petitioned State the action is statute-barred prior to the individual's arrest, and in a general way whenever the public action of the petitioning State is extinguished.

Art. 6 provides that if extradition is applied for concurrently by several States it is granted by preference to the State against whose interests the offence was committed or upon whose territory it was committed.

If the various applications relate to different offences priority is determined by reference to the relative gravity of the offence, the date of the application and an undertaking entered into by one or other of the petitioning States to grant re-extradition.

By Art. 7 extradition is only granted on condition that the individual extradited shall not be prosecuted or punished for an offence other than the one which was the ground of the extradition.

But in case an alien is prosecuted or has been sentenced in France, and his extradition is applied for by the French Government by reason of a different offence, he is only delivered over after the prosecution is concluded and, in case he is sentenced, after the sentence has been executed (Art. 8).

The remainder of the law relates to procedure of extradition and its effects.

Landlord and Tenant.—The law of April 22 completes the law of March 31, 1926, in various subordinate particulars.

It should be mentioned that the law of March 31, 1926, lays down that foreigners are entitled to the benefit of the law provided legislative reciprocity exists in their country. Under the new English Landlord and Tenant Act, 1927, Englishmen in France should now be entitled to the benefit of the new French law.

Trade Unions.—A law of February 25 codifies the law on "Syndicats Professionnels," or Trade Unions.

Marriage.—The law of July 17 modifies Art. 148 and provides that in case the parents of an infant who are asked to consent to his marriage disagree, this disagreement implies consent. Formerly, if there was a disagreement the consent of the father was necessary but sufficient.

Under an alteration in Art. 150 the same rule applies to the grandparents where the father and mother are dead. Art. 152, which provided for special measures in case the parents were divorced or judicially separated, is repealed.

Art. 154 formerly provided that the notification of the marriage containing the request for consent of the parents which had to be made by persons desirous of marrying between the age of twenty-one and twenty-five should be made by two notaries or a notary and two witnesses. A new article simplifies this by merely requiring notice to be served by one notary without witnesses.

The same rule as to consent now applies to adoptive parents.

Nationality.—The outstanding provisions of the law of August 10 are the following:

By Art. 8, an alien woman marrying a Frenchman only acquires French nationality upon her express application for it or if in accordance with her national law she acquires *ipso facto* the nationality of her husband.

A French woman who marries a foreigner preserves French nationality unless she expressly declares her desire to acquire her husband's nationality in accordance with his national law, but she loses her French nationality if she and her husband fix their domicile at the time of the marriage out of France and if she acquires *ipso facto* by the operation of the foreign law the nationality of her husband.

Art. 2 provides that any legitimate child born in France of a French mother is French.

Combining the provisions of these two articles it may therefore happen that a French woman who has married a British subject, for example, and who has preserved her French nationality under Art. 8 may have children who will remain French notwithstanding the alien nationality of the husband.

The next most important provision of this law is the abolition of domicile acquired by presidential decree, or what has hitherto been known as "legal domicile." Prior to this law a foreigner could acquire a legal domicile in France by a decree of the President of the Republic, the effect of which lapsed at the end of five years if at that time he had not applied for naturalization. The effect of this decree was generally similar to that of "first papers" of naturalization in the United States; and it was usually considered as conclusive evidence of domicile from the aspect of international law in such matters as divorce, succession, etc. Its abolition must not be interpreted to mean that a foreigner cannot acquire a domicile in France. On the contrary, its repeal has operated to put the

test of domicile in France on the same footing as elsewhere, and therefore there is nothing to prevent a foreigner acquiring such a domicile as is recognized in England through a combination of fact and intention, *i.e.* actual residence in France combined with circumstances from which an intention to continue to reside there can reasonably be inferred.

Naturalization can now be applied for after three years' residence.

The remaining provisions are in the main a consolidation of the provisions of the Code on the subject.

2. UNITED STATES OF AMERICA.

[It is hoped to publish this Summary in the next *Review*.]

INDEX TO REVIEW OF LEGISLATION.

(* Denotes Consolidated Act).

Aboriginals (Queensland), 89
Aden. *See* Criminal Law, Criminal Procedure, Judicature.
Administration. *See also* Constitution, Natives, Public Service.
  Rotuma (Fiji), 144
  Turks and Caicos Islands (Jamaica), 206
Administration of Estates. *See also* Mental Defectives, Succession, Trusts and Trustees, Wills.
  colonial probates (United Kingdom), 2
  sealing of probate (Ontario), 50
Administration of Justice. *See* Judicature, Judgments, Jurors.
Adoption (Alberta), 43
  (Ontario*), 53
  (Quebec), 56
Adulteration of Produce,
  groundnuts (Gambia), 185
Advertisements. *See also* Criminal Law.
  control of exhibition (Cyprus), 212
  tourist publicity (Newfoundland), 61
Aerial navigation (Uganda), 196
Afghanistan. *See* Frontiers.
Aerial Ropeways. *See* Mining.
Agisters' Liens (Saskatchewan), 59
Agricultural Loans,
  advances to farmers (Victoria), 107
  development (Northern Ireland), 18
  fallowing advances (Victoria), 110
  products (Quebec), 55
  rural credits (New Zealand), 133
  seed grain (Manitoba), 46
  settlers (Quebec), 55
  state aid (Irish Free State), 37
Agriculture. *See also* Agricultural Loans, Export, Farm Produce Agents, Fertilizers, Horticultural Produce, Horticulture, Housing, Imports, Industrial Arbitration, Licensing, Mercantile Agents, Primary Production.
Agriculture—*continued*
  department (Grenada), 207
  fodder (Manitoba), 45
  fruit and vegetables (Queensland), 90
  fungicides and insecticides (New Zealand), 129
  pests (Federated Malay States), 178
    (Seychelles), 184
    (United Kingdom), 9
  plant importation (New Zealand), 132
  plant protection (Barbados), 204
    (Gambia), 185
    (Jamaica), 205
  produce (Jamaica), 206
  research (Northern Ireland), 17
  seed grain (Manitoba), 46
Air Navigation. *See* Aerial Navigation, Wireless Telegraphy.
Aliens. *See* also Deportation, German Missions, Immigration.
  former enemies (Zanzibar), 198
  repatriation of convicted (Gambia), 185
  restriction (United Kingdom), 15
  traders (Gibraltar), 210
Anatomy, study of (Quebec), 57
Andaman Islands,
  colonization (India), 166
Animals. *See also* Dogs, Game, Horses, Livestock, Sheep Protection.
  capture of wild buffaloes (Ceylon), 169
  diseases (Jamaica*), 205
    (United Kingdom), 8
  injured (Ceylon), 169
    (Saskatchewan), 60
  prevention of cruelty (Manitoba), 45
  protection (United Kingdom), 9
  trespass (St. Lucia), 208
Antiquities. *See also* Guides.
  ancient monuments (Kenya), 192
    (Zanzibar), 198
  excavator's share (Cyprus), 211

Apiaries (New Zealand), 131
Apportionment (Manitoba), 44
Apprenticeship (Victoria), 101
Arbitration. *See also* Industrial Arbitration.
  protocol (British Guiana), 200
  (Sierra Leone), 190
Architects,
  liability (Quebec), 57
  (Straits Settlements), 175
  (Union of South Africa), 148
Arms and Ammunition. *See also* Imports.
  explosives (Gilbert and Ellice Islands), 144
  firearms (Irish Free State), 25
  (Queensland), 92
  (Gambia), 185
Army and Air Force. *See* Military Forces.
Auctions,
  bidding agreements (United Kingdom), 10
  control and licensing (Zanzibar), 198

Bakeries,
  hours of baking (New South Wales), 82
Banishment (North Borneo), 183
Bankruptcy (Commonwealth of Australia), 76
  (India), 160
  (Kenya), 192
  (New Zealand), 132
Banks and Banking. *See also* Currency, Evidence, Savings Banks.
  drafts on branches (British Guiana), 200
  state (South Australia), 98
  vouchers (Fiji), 143
Bastardy. *See* Children, illegitimate.
Betting. *See also* Dogs, Horses.
  mechanical coursing (Victoria), 105
  taxation (New Zealand), 139
  (United Kingdom), 11
  totalizators (Natal), 152
  (Transvaal*), 154
Bilharzia. *See* Public Health.
Bills of Exchange (Ceylon), 171
  duty (India), 161
  (Kenya), 191
Bills of Lading. *See* Carriage of Goods by Sea.
Bills of Sale,
  registration (Ceylon*), 173
  (Tonga), 146
  (Victoria), 113
Births,
  notification (South Australia), 97
  registration (United Kingdom), 16
Boarding houses (Federated Malay States), 180
Boats and canoes (Gambia), 187
Book debts,
  assignment (Saskatchewan), 60
Bounties,
  iron and steel (Commonwealth of Australia), 76
  wine export (Commonwealth of Australia), 76
  wolf pelts (Alberta), 41
Boy Scouts (Barbados), 204
Bread. *See* Bakeries.
Builders,
  liability (Quebec), 57
Building. *See also* Townplanning.
  control of operations (Cyprus), 213
  regulation (Bahamas), 202
Business Names (Victoria), 106

Cables. *See* Telegraphs.
Carriage of Goods by Sea (Barbados), 203
  (British Guiana), 200
  (Ceylon), 169
  (Cyprus), 211
  (Federated Malay States), 181
  (Gambia), 186
  (Jamaica), 207
  (Mauritius), 182
  (North Borneo), 183
  (Seychelles), 184
  (Straits Settlements), 176
  (Tanganyika), 196
Cattle. *See* Livestock, Pounds.
Censorship. *See* Cinematograph, Entertainments.
Channels,
  control of traffic (Bermuda*), 75
Chartered accountants (Union of South Africa), 147
Chattels,
  mortgage (Irish Free State), 38
Chemists and Druggists. *See* Pharmacy.
Children. *See also* Adoption, Education, Immigration, Legitimation, Maintenance.
  employment (Palestine), 217
  (Trinidad and Tobago), 210
  guardianship (Alberta), 43
  (New Zealand), 131
  homes (New Zealand), 137
  illegitimate (Jamaica*), 206
  (Ontario*), 53

Children—*continued*
juvenile courts (New Zealand), 137
mentally defective (Nova Scotia),47
(Ontario*), 53
wards (Zanzibar), 198
welfare (Manitoba), 44
(New Zealand), 137
(Saskatchewan*), 60
(Straits Settlements), 177
(Western Australia), 122
Church Assembly. *See also* Indian Church.
clergy pensions (United Kingdom), 15
new dioceses (United Kingdom), 15
Cinematograph. *See also* Customs.
censorship (Palestine), 219
control (United Kingdom), 13
Civil Procedure. *See* Judicature.
Coal. *See* Wages.
Coinage. *See* Criminal Law, Currency.
Colonization. *See* Andaman Islands.
Commerce. *See* Trade.
Commissions of Inquiry. *See also* Coroners.
Indian Commission (United Kingdom), 2
Companies (Quebec), 57
sale of shares (Tasmania), 101
(Saskatchewan), 59
trust (Straits Settlements), 176
winding-up (Manitoba), 46
Compensation. *See* Damage to property, Livestock.
Concessions. *See* Electricity.
Conditional Sales (Ontario), 50
Constitution. *See also* Administration, Commissions of Inquiry, Elections, Flags.
delegation of powers (Cyprus), 211
duration of Dail (Irish Free State), 27
executive council (Irish Free State), 27
legislative council (New South Wales), 82
ministers of the Crown (Newfoundland), 69
(Nova Scotia), 47
(Western Australia), 123
president's salary (Bombay), 163
(Burma), 165
provincial councils (Gold Coast), 187
royal and parliamentary titles (United Kingdom), 2
Speaker (Bahamas), 202
(Irish Free State), 27
Contracts. *See also* Land, Natives.
breach of labour (Madras), 163
Co-operative Societies (Burma), 165
Copra (Fiji), 144
Copyright (Ceylon), 167
(Irish Free State*), 35
Coroners,
inquests (British Guiana), 201
Cotton,
markets (Bombay), 163
textile industry (India), 161
unginned (St. Vincent), 209
Criminal Law. *See also* Auctions, Prisons, Public Safety, Unlawful Associations, Women and Children.
Aden sentences (India), 166
bank notes forgery (Palestine), 216
coinage offences (Palestine), 216
fortune telling advertisements (Gold Coast), 187
infanticide (Ceylon), 168
insults to religious beliefs (India), 159
intercourse between Europeans and natives (Union of South Africa), 146
intimidation (Palestine), 218
larceny (Jamaica), 204
obscene publications (Ceylon), 169
(Jamaica), 207
(Palestine), 218
offences against women and children (Palestine), 218
(Sierra Leone), 190
seditious libel (Irish Free State), 28
whipping (Burma), 165
Criminal Procedure. *See also* Children, Prisons.
Aden courts, appeals (Bombay), 163
(India), 159
appeals, Scotland (United Kingdom), 9
attempts to commit offences (Palestine), 218
bail (Palestine), 218
code (Federated Malay States*), 178
committal for sentence (Grenada), 207
evidence (Palestine), 218
evidence by accused (New South Wales), 82
finger prints (Palestine), 218
foreign prisoners' detention (Palestine), 219
habitual criminals (Ceylon), 168

Criminal Procedure—*continued*
indictable offences (British Guiana), 201
offenders on probation (Grenada), 208
parties to offences (Palestine), 218
penal labour (Palestine), 219
police appeals (United Kingdom), 10
police offences (New Zealand*), 131
summary conviction (British Guiana), 201
Crown grants,
authentication (Ceylon*), 170
Currency. *See also* Criminal Law.
(Irish Free State), 29
notes (Gibraltar), 210
(Palestine), 215
paper (Mauritius), 182
stabilization of rupee (India), 162
Customs. *See also* Dangerous Drugs, Excise, Exports, Imperial Preference, Imports, Posts and Telegraphs.
Canada-West Indies reciprocity (Barbados), 204
cinematograph films (United Kingdom), 11
duties (New Zealand), 130
(St. Lucia), 209
(United Kingdom), 11
landing without due entry (Bahamas), 201
matches (United Kingdom), 11
motor-car tires (United Kingdom), 11
pottery (United Kingdom), 11
tariff (Gambia*), 185
(Palestine), 216
tobacco (United Kingdom), 11
wine (United Kingdom), 11

Dairies,
cream dairy stations (Prince Edward Island), 55
milk (Northern Ireland), 19
Damage to property,
compensation by military forces (Malta), 215
Dangerous Drugs. *See also* Pharmacy.
(Ceylon*), 172
cocaine (Assam), 166
(Central Provinces), 165
customs control (Cyprus), 211
Geneva convention (Barbados), 203
(Gilbert and Ellice Islands), 145
(New Zealand), 129
Dangerous Drugs—*continued*
(Nigeria), 189
(North Borneo), 183
(Seychelles), 184
(Victoria), 115
(Zanzibar), 198
(Grenada), 208
opium (New Zealand), 129
(Seychelles), 184
(Straits Settlements), 177
opium smoking (Assam), 166
(St. Lucia), 208
sale (Jamaica), 206
(Victoria), 115
Death Duties. *See* Taxation.
Death, registration,
(United Kingdom), 16
Debtors. *See* Judicature.
Debts. *See also* Book debts.
small (Manitoba), 44
Defence. *See* Military Forces.
Dentists (Ceylon*), 172,
registration (Jamaica), 207
(Victoria), 114
Deportation,
undesirable persons (Barbados), 204
Western Samoa (New Zealand), 127
Devolution of Estates. *See* Succession.
Diamond industry. *See* Mines and minerals.
Distillation,
power alcohol (Papua), 126
Divorce,
grounds for (Jamaica), 206
King's proctor (India), 160
non-Christian relief (India), 160
Documents,
notarial acts (Seychelles), 184
registration (Ceylon*), 173
Dogs. *See also* Betting, Sheep Protection.
(Hong Kong), 175
licences (Bahamas), 202
(Irish Free State), 29
(Natal), 151
(Saskatchewan), 60
racing (South Australia), 99
(Victoria), 105
(Western Australia), 121
worrying by (Northern Ireland), 17
Dower (Manitoba), 44
Drainage (British Guiana), 200
Dried fruits,
control of marketing (Victoria), 108
Druggists. *See* Pharmacy.

Eating Houses. *See* Licensing.
Ecclesiastical Commissioners. *See* Church Assembly.
Education. *See also* Medical practitioners, Pensions, Universities.
African (Tanganyika), 196
board (Bahamas), 202
grants (Quebec), 56
native (Uganda), 197
(Newfoundland*), 71
(Nyasaland), 195
primary schools (Central Provinces), 165
scholarships (Bermuda), 75
(Seychelles), 184
schools (Sudan), 199
schools registration (Federated Malay States), 181
(Straits Settlements), 175
secondary schools (Bahamas), 202
(Transvaal), 157
Elections. *See also* Local Government.
absent voting (New Zealand), 130
(Victoria), 108
corrupt practices (Malta), 213
district committee (Ceylon), 169
House of Representatives (New Zealand*), 133
(Irish Free State), 40
local (Gibraltar), 211
(Hong Kong), 174
(Irish Free State), 41
(Sierra Leone), 191
(Transvaal*), 153
(New South Wales), 82
oath (Irish Free State), 40
proportional representation (New South Wales), 82
special polling stations (Quebec), 55
Electricity,
concessions (Palestine), 220
electrical workers (Queensland), 90
lighting (Cyprus), 211
(Gambia), 186
power boards (New Zealand), 143
supply (Ceylon), 168
(Irish Free State), 39
(Northern Ireland), 21
(Seychelles), 184
Emblems. *See* Flags.
Emigration (India), 161
Indians (Union of South Africa), 149
protection (Grenada), 208
(St. Vincent), 209
Engineers,
steamship (Seychelles), 184
Entertainments. *See also* Taxation.
censorship (Palestine), 219
Estate Duty. *See* Taxation.
Evidence. *See also* Criminal Procedure.
bankers' books (Manitoba), 44
(Saskatchewan), 58
non-resident parties (Quebec), 57
(Nova Scotia), 47
Excise,
duty (United Kingdom), 11
financial commissioner (Burma), 164
home brewed beer (United Kingdom), 11
liquor (Palestine), 216
matches (Cyprus), 213
(Palestine), 216
salt (Palestine), 216
tobacco (Mauritius), 183
Explosives. *See* Arms and Ammunition.
Exports,
dried fruits (Commonwealth of Australia), 76
fresh fruit (Commonwealth of Australia), 77
(Palestine), 220
hides (India), 161
minerals (Union of South Africa), 149
pearl shell (Commonwealth of Australia), 77
plants (Jamaica), 205
tea (India), 161
Extradition,
Chinese (Hong Kong), 175
(France), 220
fugitive offenders (Palestine), 218

Factories and Shops. *See also* Hours of Work, Industrial diseases, Wages, women and children.
accidents (Hong Kong), 174
shop assistants (Jamaica*), 205
Sunday trading (Cyprus), 213
(Victoria), 108
Factors (Papua), 124
Farm produce agents (New South Wales), 81
Fertilizers and feeding stuffs (New Zealand), 131
Fire,
rural fires (Queensland), 91
Firearms. *See* Arms and Ammunition.
Fisheries. *See also* Whaling industry.
mussels (Natal), 151
oysters (Natal), 151

Fisheries—*continued*
turtle (Seychelles*), 183
whale and shark (Seychelles), 184
Flags (Union of South Africa), 150
Food and Drugs. *See* Dairies, Dangerous Drugs, Livestock, Sale of Food, Sugar, Weights and measures.
Foreshore,
removal of sand (Ceylon), 168
Forests (Ashanti), 188
(British Guiana), 201
(Gold Coast), 187
(India*), 162
(Nyasaland), 193
(United Kingdom), 15
(Victoria), 110
Former Enemies. *See* Aliens.
Franchise. *See* Local Government.
Fraudulent transfers (Cyprus), 212
Frontiers,
Punjab and Afghanistan (India), 167
Fruit. *See* Agriculture, Dried fruits, Exports, Taxation.
Fugitive offenders. *See* Extradition.
Fungicides and Insecticides. *See* Agriculture.

Gambling. *See also* Betting.
gaming (Jamaica), 206
licences (North Borneo), 183
natives (British Solomon Islands), 145
public (Central Provinces), 165
Game (Alberta), 41
destruction (Ceylon), 169
protection (Cyprus), 211
(Nyasaland), 194
Garage keepers (Manitoba), 45
Gas,
supply (Ceylon), 168
General dealers,
control (Transvaal), 155
German Missions (Nigeria), 189
Guardianship. *See* Children.
Guides,
licensing (Palestine), 219

Harbours and lights,
boards (Victoria), 111
Hatchet Bay control (Bahamas), 202
light dues (Gambia), 184
lighthouses (India*), 161
Takoradi (Gold Coast), 188
Hawkers (Tanganyika), 195
Highways. *See also* Motor Vehicles, Traffic.

Highways—*continued*
central road board (Barbados), 203
commissioner (South Australia), 97
cost (New Zealand), 136
fund (New Zealand), 135
(South Australia), 97
(Transvaal), 155
(United Kingdom), 11
lighting of vehicles (United Kingdom), 13
maintenance (New Zealand), 135, 136
(Nigeria), 189
public roads (Zanzibar), 198
road boards (Orange Free State), 153
(Transvaal), 155
user of public roads (Madras), 162
village roads (Palestine), 219
Homes,
registration of names (Saskatchewan), 58
Horses. *See also* Betting.
racing (Saskatchewan), 60
(Transvaal*), 154
Horticultural Produce,
sales on commission (Northern Ireland), 17
Horticulture,
certificates and diplomas (New Zealand), 130
Hospitals. *See also* Mental Hospitals, Pensions.
aid (Manitoba), 45
incorporation (South Australia), 98
management (Western Australia), 122
maternity (United Kingdom), 7
mental treatment (Western Australia), 121
nursing homes (United Kingdom), 7
treatment (Saskatchewan), 61
Hours of work (Cyprus), 213
public officials (Bahamas), 202
shops (Jamaica), 205
(Transvaal), 154
(Victoria), 109
shops and offices (New Zealand), 136
Housing. *See also* Loans, Railways.
dwelling houses (Commonwealth of Australia), 77
(Victoria), 118
labourers' cottages (Northern Ireland), 18
municipal (Ceylon), 169
rural workers (New South Wales), 80

Housing—*continued*
subsidy (Northern Ireland), 18
war service homes (Commonwealth of Australia), 79
(Victoria), 119
workmen's dwellings (Malta), 213
Hurricanes Relief (Bahamas), 201
Husband and Wife. *See also* Divorce, Judicial separation, Maintenance, Marriage, Succession.
(Alberta), 43
separation (South Australia), 96

Illegitimate Children. *See* Children, Legitimation.
Immigration. *See also* Labour.
(Bermuda*), 75
(Gambia), 185
Indians (Union of South Africa), 149
juvenile (New South Wales), 85
Imperial Preference (Bahamas), 203
local government purchases (New South Wales), 85
Imports. *See also* Agriculture.
bamboo paper (India), 161
cotton textiles (India), 161
currants (Cyprus), 212
duty (Jamaica*), 205
(Kenya), 191
firearms (Cyprus), 212
machinery and mill stores (India), 161
margarine (Irish Free State), 29
military gear (Cyprus), 212
motor-cars (Cyprus), 212
(India), 161
rosaries (Irish Free State), 29
seeds (New Zealand), 136
shot guns (Cyprus), 212
spirits (Bahamas), 201
sports requisites (Cyprus), 212
steel (India), 161
whisky and brandy (Bahamas), 202
Income-tax (Commonwealth of Australia), 79
double taxation (Irish Free State), 29
(Northern Ireland), 26
(United Kingdom), 12
exemption (Prince Edward Island), 54
(France*), 220
(India), 161
(Irish Free State), 29
(Manitoba), 45
(Natal), 152
(New Zealand), 128
(Nigeria), 189
Income-Tax—*continued*
(St. Lucia), 209
tea companies (India), 162
(United Kingdom), 11
Indian Church (United Kingdom), 2
Indigent, relief. *See* Work Colonies.
Industrial Arbitration,
agricultural industries (New Zealand), 143
(Commonwealth of Australia), 75
(New South Wales), 84
Industrial diseases,
lead poisoning (Northern Ireland), 20
Industrial Disputes,
intimidation (Barbados), 204
(Hong Kong), 174
(Palestine), 218
(Northern Ireland), 22
strikes and lockouts (Hong Kong), 174
(United Kingdom), 4
Industrial employment. *See* Children, Women and Children.
Industry encouragement. *See* Bounties, Industry Protection.
Industry Protection,
bamboo paper (India), 161
cotton textile (India), 161
steel (India), 161
Inquests. *See* Coroners.
Inscribed Stock (Commonwealth of Australia), 78
Insolvency. *See* Bankruptcy.
Insurance. *See also* Unemployment.
automobile (Saskatchewan), 59
companies' deposits (New Zealand), 141
public officers (Bahamas), 202
(Saskatchewan), 59
International Conventions. *See* Carriage of Goods by Sea, Dangerous Drugs.
Interpretation of Statutes. *See* Statutes.
Iron and Steel. *See* Bounties.
Irrigation (British Guiana), 200
(Ceylon), 170
settlement areas (New South Wales), 85
Itinerant traders. *See* Hawkers.

Judgments,
enforcement (Queensland), 93
(Saskatchewan), 58
Judicature. See also Arbitration, Bankruptcy, Children, Coroners, Magistrates.

Judicature—*continued*
Aden courts (Bombay), 163
administration of justice (Commonwealth of Australia), 78
appeals (Union of South Africa), 147
circuit court appeals (Irish Free State), 30
civil procedure (Kenya), 192
debtors (Sierra Leone), 190
district commissioners' court (Sierra Leone), 190
full court (Ceylon), 168
high court (Madras), 163
judges (Ceylon), 168
legal officers, Scotland (United Kingdom), 9
limitation (India), 159
local courts (South Australia*), 95
matrimonial causes (Trinidad and Tobago), 210
native courts' jurisdiction (Sudan), 199
(Papua), 123
poor persons' legal assistance (Victoria), 117
sheriff court (United Kingdom), 9
supreme court (Ceylon), 168
(South Australia), 98
(Trinidad and Tobago), 210
Judicial proceedings,
reports (Malta), 214
Judicial separation (Mauritius), 182
Jurors and juries (Bermuda*), 75
civil trials (Union of South Africa), 147
(Irish Free State*), 30
(South Australia*), 98
Justices of the Peace. *See* Magistrates.

King's Proctor. *See* Divorce.

Labour. *See also* Contracts, Factories and Shops, Hours of work, Industrial arbitration, Industrial diseases, Industrial disputes, Mining, Natives, Railways, Trade unions, Unemployment, Wages, Workmen's compensation.
department (North Borneo), 183
immigrant (Ceylon), 171
Labrador,
lands and rights (Newfoundland), 71
Land. *See also* Drainage, Irrigation, Labrador, Land acquisition, Land-tax, Property, Surveys.

Land—*continued*
alienation (Ceylon), 170
appraisement (Papua), 125
closer settlements (Western Australia), 121
contracts (Ontario), 50
crown (Newfoundland), 71
(New Zealand), 131
(Uganda), 196
(United Kingdom), 15
disputes (Northern Territories), 188
(Togoland), 189
grazing leases (Queensland), 92
Indian reserves (Quebec), 55
law (Federated Malay States*), 179
(Irish Free State), 37
Manpur (India*), 167
perpetual succession (Tanganyika), 196
public (Northern Territories), 188
registration (Ceylon*), 173
subdivided (South Australia), 99
tenancies (Punjab), 164
tenure (Sierra Leone), 190
valuation (New Zealand), 136
Land acquisition,
municipal (Quebec), 55
Land agents (South Australia), 99
Land-tax. *See also* Tithes.
(Commonwealth of Australia), 79
Land Titles. *See* Documents.
Landlord and tenant,
(France), 222
possession (Northern Ireland), 19
rent (New South Wales), 83
(New Zealand), 141
(Northern Ireland), 18
(United Kingdom), 15
(United Kingdom), 14
Larceny. *See* Criminal Law.
Law Institute. *See* Legal Practitioners.
Law Society. *See* Legal Practitioners.
Lead poisoning. *See* Industrial diseases.
Lead-zinc ore. *See* Mining.
Legal practitioners,
assistant recorders (Quebec), 56
education (Ontario), 49
high court advocates (India), 160
law institute (Victoria), 113
law library (Ceylon), 169
law society (Queensland), 94
notarial acts (Seychelles), 184
notaries (Ceylon), 171
(Malta), 214
public solicitor (Victoria), 117

Legal Practitioners—*continued*
solicitors' remuneration (Victoria), 119
trust accounts (South Australia), 97
Legislation. *See also* Statutes.
departmental (United Kingdom), 15
expiring laws (United Kingdom), 15
Legitimation (Alberta), 43
(Gibraltar), 211
(Ontario), 53
(Trinidad and Tobago), 210
Leprosy,
asylum (Gilbert and Ellice Islands), 145
(Federated Malay States), 180
Libel. *See* Criminal Law.
Licensing. *See also* Auctions, Boarding houses, Dogs, Guides, Liquor control, Motor vehicles, Secondhand dealers, Surveyors.
chemists and druggists (Grenada), 207
eating houses (Orange Free State), 152
(Gambia), 186
matches (Jamaica), 207
rural dealers (Natal), 151
soap (Jamaica), 207
trades (Palestine), 218
(Tanganyika), 195
transfer of powers (Gibraltar), 211
Lien notes,
machinery (Manitoba), 45
Lighthouses. *See* Harbours and lights.
Limitation. *See* Judicature.
Limited Partnerships. *See* Partnership.
Liquor control. *See also* Distillation, Excise, Imports.
appeals (Manitoba), 45
board of commissioners (New Brunswick), 46
government control (Manitoba), 45
(Ontario), 53
licensing and regulation (Irish Free State*), 33
(Jamaica), 207
(Northern Ireland), 23
penalties (Manitoba), 45
(Palestine), 216
prohibited hours (Irish Free State), 33
sale (Gambia), 186
(Jamaica), 207
Liquor Control—*continued*
sale of beer (Manitoba), 45, 46
(Straits Settlements), 177
(Zanzibar), 198
Livestock. *See also* Pounds.
breeding (Saskatchewan), 59
products (Prince Edward Island), 54
pure bred (Fiji), 144
swine sales (Victoria), 120
swine compensation (Victoria), 119
Loans. *See also* Agricultural Loans, Hurricanes Relief.
board (Ceylon), 167
Free State local loans fund (United Kingdom), 2
general loan and inscribed stock (Bahamas), 203
(Mauritius), 182
guarantee (Northern Ireland), 20
housing (Commonwealth of Australia), 77
local bodies (Ceylon), 167, 169
(Palestine), 216
public works (Hong Kong), 174
(Sierra Leone), 190
reconstruction (Palestine), 220
trade (Irish Free State), 29
Local Government. *See also* Elections, Imperial Preference, Land acquisition, Loans, Public health.
audit (United Kingdom), 7
city council (Gibraltar), 210
(Sierra Leone), 191
conservancy rate (Ceylon), 167
expenditure (Sierra Leone), 191
finances (Irish Free State), 32
local boards (Assam), 166
(Madras), 162
municipal disqualifications (Central Provinces), 166
municipal franchise (Sierra Leone), 191
(Orange Free State), 152
public buildings (Quebec), 56
rating (Ceylon), 169
(Irish Free State), 33
(Natal), 152
(South Australia), 98
superannuation (Irish Free State), 33
taxation (Punjab), 164
(Quebec), 56
timber revenues (New Zealand), 142
town act (Saskatchewan*), 61
town council (Natal), 151

Local Government—*continued*
village administration (Burma), 165
(Coorg), 166
Lunacy. *See* Mental Defectives.

Machinery. *See also* Imports.
(Federated Malay States), 181
Magistrates. *See also* Criminal Procedure.
courts (New Zealand), 133
(Sierra Leone), 191
(New Zealand*), 131
resident (Jamaica*), 207
(Sudan), 199
summary jurisdiction (Jamaica), 204
Maintenance,
deserted wives and children (Ontario*), 53
parents by children (Ontario*), 53
(South Australia*), 96
Manpur. *See* Land.
Margarine. *See* Imports.
Marketing. *See* Cotton, Dried fruits.
Marriage (Barbados), 203
consent (France), 222
legitimation by (Ontario), 51
officiating ministers (New Zealand), 129
(Ontario*), 51
putative (Ontario), 51
registration (United Kingdom), 16
Married women's property (Barbados), 203
Matches. *See also* Customs, Excise.
factory regulation (Cyprus), 213
Maternity Homes. *See* Hospitals.
Mechanics' Liens (New Brunswick), 47
Medical Practitioners. *See also* Anatomy, Dangerous drugs, Dentists, Pharmacy.
(Ceylon*), 172
education (Ceylon*), 172
free aid (St. Vincent), 209
(Irish Free State), 38
licence (Quebec), 57
(Mauritius), 182
(Nyasaland), 193
registration (Burma), 165
(United Kingdom), 2
Memorials,
Victorian Parliament House (Commonwealth of Australia), 79
Mental Defectives. *See also* Children, Hospitals, Mental Hospitals.
administration of estates (Manitoba), 45
Mental Defectives—*continued*
classification and treatment (United Kingdom), 7
lunatics' custody (Gilbert and Ellice Islands), 145
Mental Hospitals,
change in title (Grenada), 207
Mercantile Agents (Malta), 214
sales on consignment (Saskatchewan), 60
Merchant shipping. *See also* Carriage of Goods by Sea, Harbours and Lights.
pilgrim ships (India), 161
Methodist Church (Union of South Africa), 148
Midwives (Burma), 165
(Ceylon*), 172
Scotland (United Kingdom), 8
Military and Naval Forces. *See also* Damage to Property, Imports, Pensions.
army and air force (India), 162
(United Kingdom), 3
defence (Commonwealth of Australia), 76
defence force (Ashanti), 188
(Gold Coast), 188
(Irish Free State), 33
(Kenya), 192
(Nigeria), 189
frontier force (Gambia*), 185, 187
imperial defence (Bermuda), 75
(Cyprus), 212
Indian navy (United Kingdom), 3
(Jamaica), 207
militia (Bermuda), 75
reserve (Sudan), 199
reserve of officers (Kenya), 192
(Nyasaland), 194
(Uganda), 197
Royal Naval Reserve (United Kingdom), 3
Militia. *See* Military Forces.
Milk. *See* Dairies.
Mines and Minerals. *See* also Coal, Export, Pensions.
aerial ropeways (Queensland), 93
aid to prospectors (Tasmania), 100
(British Solomon Islands), 145
diamond digging (Union of South Africa*), 150
lead-zinc ore (Newfoundland), 68
licences (North Borneo), 183
minerals (New Brunswick), 47
(Sierra Leone), 190
precious stones (Union of South Africa*), 150
workers' rights (Manitoba), 46

Moneylenders (United Kingdom), 10
Mortgages. *See also* Chattels.
(Ceylon), 172
postponement of payments (Victoria), 117
proviso for defeasance (Ontario), 48
(Seychelles*), 184
workers' charges (New Zealand), 135
Motor Vehicles. *See also* Imports, Insurance, Traffic.
(Ceylon*), 171
dealers' plates (New Zealand), 140
(Grenada*), 208
licence fees (New Zealand), 140
lighting (United Kingdom), 13
(Manitoba), 46
misdemeanours (Sudan), 199
(Natal), 151
omnibuses (South Australia), 97
(Victoria), 114
registration (New Zealand), 140
(Orange Free State), 152
taxation (Orange Free State), 152, 153
traffic (Nigeria), 189
transport control (South Australia), 99
(Transvaal), 153
vehicles (Bengal), 164
(Victoria), 112
Municipal Affairs. *See* Local Government.

National Provident Fund (New Zealand), 142
Nationality. *See also* Aliens.
(France*), 222
(Union of South Africa), 150
Natives. *See also* Aboriginals, Education, Gambling, Judicature, Liquor control, Stool Treasuries, Tobacco.
administration (Gold Coast*), 187
(Union of South Africa*), 149
contracts (Fiji), 144
land (Northern Territories), 188
non-indentured service (Papua), 125
Navy. *See* Military and Naval Forces.
Newspapers and Books. *See* Printers and Publishers, Taxation.
Nurses. *See* Midwives.
Nursing Homes. *See* Hospitals.

Oaths (British Solomon Islands), 145
(Gilbert and Ellice Islands), 144
Obscene literature. *See* Criminal law.
Offenders' Probation. *See* Criminal procedure.
Oil. *See also* Petroleum.
discharge in navigable waters (Barbados), 204
Old Age Pensions. *See* Pensions.
Omnibuses. *See* Motor vehicles.
Opium. *See* Dangerous Drugs.
Opticians, registration,
(Jamaica), 207
Orchards. *See* Taxation.
Oysters. *See* Fisheries.

Paper,
bamboo (India), 161
Ganda Valley Power and Paper Co., Ltd. (Newfoundland), 65
International Paper Co. (Newfoundland), 62
Partnership (Barbados), 204
declarations (Quebec), 57
limited (Gibraltar), 211
Passports and Permits. *See also* Andaman Islands, Frontiers.
(British Solomon Islands), 146
(Fiji), 144
(Gambia), 186
(Gilbert and Ellice Islands), 145
(Jamaica), 205
Patents and Designs (Irish Free State*), 35
(Newfoundland*), 69
registration of United Kingdom (Gambia), 186
(Seychelles), 183
Pensions. *See also* Church Assembly, Local Government.
army (Irish Free State), 33
civil (Bahamas), 202
(Barbados), 204
(Bermuda*), 75
(Cyprus), 212
(Gibraltar), 210
(New Zealand*), 131
(Queensland), 94
(Saskatchewan), 57
(South Australia), 96
European officers (Kenya), 192
(Tanganyika), 196
(Uganda), 196
(Zanzibar), 198
hospital nurses (Grenada), 208
(St. Lucia), 209
(Transvaal), 153
(Mauritius), 182
native officers (Sudan), 199
old age (Northern Ireland), 25
police (Jamaica), 206

Pensions—*continued*
schoolboard officials (Transvaal), 155
suspension of allowance (Papua), 126
teachers (Bermuda), 75
(Ceylon), 170
(Natal), 151
(Orange Free State), 152
(Transvaal), 157
widows and orphans (Gambia), 185
(Kenya), 192
(Quebec), 56
(Uganda), 196
Petroleum,
control of storage (Papua), 124
discharge in navigable waters (Barbados), 204
landing and storage (Jamaica*), 206
prospecting (Commonwealth of Australia), 79
(Queensland), 93
storage (North Borneo), 183
testing fee (St. Lucia), 209
Pharmacy. *See also* Dangerous Drugs.
chemists' and druggists' registration (Grenada), 207
control of alcohol (Mauritius), 182
druggists (Zanzibar), 198
(Nigeria), 189
pharmacists (Ceylon*), 172
Pigs. *See* Livestock.
Pilgrims. *See* Merchant shipping, Quarantine.
Piracy (Hong Kong), 174
Poisons. *See* Dangerous drugs, Pharmacy.
Police. *See also* Pensions.
(Bermuda), 75
gratuities to dependants (Cyprus), 212
provincial force (New Brunswick), 47
reserve force (Hong Kong), 175
traffic control (Gambia), 186
Poll-tax. *See* Taxation.
Poor persons' legal assistance. *See* Judicature.
Poor Relief (United Kingdom*), 1, 6
Ports. *See* Harbours and Lights.
Posts and Telegraphs. *See also* Telegraphs.
customs duties (Ceylon), 167
postage stamps (Ceylon), 167
post office (New Zealand), 135
Pounds (Transvaal), 157
(Victoria), 117
Primary Production,
experiment station (Queensland), 94
Printers and Publishers (Hong Kong), 175
Prisoners,
photographing (Jamaica), 207
Prisons (Bermuda*), 75
Probate. *See* Administration of Estates.
Proclamations (Natal), 151
Property. *See also* Administration of Estates, Married women.
bona vacantia (Saskatchewan), 58
rights (New Zealand), 135
survivorship (New Zealand), 135
transfer (India), 160
Proportional Representation. *See* Elections.
Provident Funds. *See* National Provident Fund, Railways.
Public Buildings. *See* Local Government.
Public Finance. *See also* Agricultural Loans, Banks and banking, Bills of Exchange, Currency, Customs, Excise, Exports, Imports, Income-tax, Loans, Scientific Research, Taxation, Unemployment insurance.
adjustments (Northern Ireland), 26
application of fines (New Zealand), 142
apportionment of periodical payments (Manitoba), 44
appropriation (New Brunswick), 46
export of capital (France), 220
financial agreement (Queensland), 90
(Victoria), 106
government stock (Victoria), 120
(India), 161
(New Zealand), 141
(Northern Ireland), 26
public debt (Northern Ireland), 27
registered stock (France), 220
road fund (United Kingdom), 11
Singapore base (New Zealand), 141
state grants (Commonwealth of Australia), 77
(United Kingdom), 11
Public Health. *See also* Industrial Diseases, Leprosy, Quarantine, Vaccination, Venereal Diseases.
bilharzia (Sudan), 199
boards (Irish Free State), 32
(Natal), 151
(Prince Edward Island), 54

Public Health—*continued*
free aid (St. Vincent), 209
(Jamaica), 205
(St. Vincent*), 209
Public holidays,
Barbados tercentenary (Barbados), 204
general election day (Irish Free State), 27
public officials (Bahamas), 202
Public Inquiries. *See* Commissions of Inquiry, Coroners.
Public libraries,
law library (Ceylon), 169
Public officers. *See* Pensions, Public Service.
Public safety,
emergency powers (Irish Free State), 27
prevention of disorder (Burma), 164
Public Service Commission (Quebec), 55
Public Service. *See also* Insurance, Pensions, Public Service Commission, Public works.
guarantee fund (Cyprus), 212
(New Zealand), 137
salaries attachment (Tasmania), 101
supernumerary list (Tasmania), 100
Public works,
parliamentary standing committee (South Australia), 100
Punjab. *See* Frontiers.

Quantity Surveyors (Union of South Africa), 148
Quarantine,
pilgrims (Sudan), 199
(Zanzibar), 198
Quarries, regulation
(Northern Ireland*), 19

Racing. *See* Dogs, Horses.
Railways,
administration (New Zealand), 140
construction (Newfoundland), 71
housing (New Zealand), 140
(Kenya), 192
(Palestine), 219
provident fund (Tanganyika), 195
road transport powers (Irish Free State), 36
(Northern Ireland), 20
(South Australia), 97, 99
standard charges (United Kingdom), 16
(Uganda), 197
Rating. *See also* Local Government.
(Natal), 152
(Transvaal), 156
Reformatories (Barbados*), 203
Registration. *See* Architects, Death, Dentists, Documents, Education, Homes, Motor vehicles, Opticians, Pharmacy.
Religion. *See also* Church Assembly, Criminal Law, Indian Church, Methodist Church.
change of community (Palestine), 219
Religious endowments (Madras), 162
Rent. *See* Landlord and tenant.
Repatriation. *See* Aliens.
Rivers (Nigeria), 189
Roads. *See* Highways, Traffic.
Rosaries. *See* Imports.
Rotuma. *See* Administration.
Royalties, crown
(Newfoundland), 71
Rural dealers. *See* Licensing.

Sale of Food. *See also* Weights and measures.
regulation of prices (United Kingdom), 8
Sale of goods (Papua*), 124
Sales on consignment. *See* Mercantile agents.
Salt. *See also* Excise.
manufacture and sale (Palestine), 216
Savings banks,
government (Commonwealth of Australia), 76
(Jamaica*), 205
(Victoria), 118
Scientific and Industrial Research, (New Zealand), 142
Secondhand dealers (Federated Malay States), 180
Sedition. *See* Criminal law.
Sewerage. *See* Drainage.
Sharks. *See* Fisheries.
Sheep protection (Saskatchewan), 60
Shops. *See* Factories and shops, Hours of work.
Slavery,
legal status (Sierra Leone), 191
Stamps,
cheques (India), 161
duty (Bombay), 163
(Cyprus), 212
(Kenya), 192
(New Zealand), 139
(Palestine), 217
(Zanzibar), 199

Stamps—*continued*
voluntary conveyances (North Borneo), 183
Statutes. *See also* Legislation.
interpretation (Manitoba), 45
revision (Bahamas), 202
(Gambia), 186
(India), 162
(Ontario), 48
(United Kingdom), 1
Steel. *See* Bounties, Industry Protection.
Stool Treasuries (Ashanti), 188
Subsidies. *See* Bounties, Housing.
Succession,
devolution of estates (Manitoba), 44
duties (Manitoba), 46
(India), 161
Sugar,
industry reserve fund (Mauritius), 182
Summary Offences. *See* Criminal Procedure.
Summer time (New Zealand), 128
Surveyors. *See also* Quantity surveyors.
licensing (Sierra Leone), 190
Surveys,
land (Union of South Africa*), 146
registration of plans (Tasmania), 100
(Sierra Leone), 190
Swine. *See* Livestock.

Taxation. *See also* Betting, Customs, Excise, Exports, Imports, Income-tax, Land-tax, Local Government, Motor vehicles, Succession duty, Tithe.
collection (St. Lucia), 208
death duties (Northern Ireland), 26
entertainments (Irish Free State), 29
(Madras), 163
(Manitoba), 44
(Northern Ireland), 26
(Orange Free State*), 153
estate (Ceylon), 168
hut (Nyasaland), 194
motor spirits (New Zealand), 135
newspapers (New South Wales), 85
orchard tax (New Zealand), 130
poll (Natal), 152
(Nyasaland), 194
provisional collection (Irish Free State), 28
Tea companies. *See* Income-tax.
Teachers. *See* Education, Pensions.
Telegraphs. *See also* Wireless Telegraphy.
(Nyasaland), 194
Pacific cable (United Kingdom*), 1, 2
Threshers' Liens (Manitoba), 46
Timber. *See* Forests, Local Government.
Time. *See* Summer time.
Tithes, commutation (Palestine), 217
Tobacco. *See also* Customs, Excise.
(Cyprus), 213
industry (Mauritius), 183
native growers (Nyasaland), 193
Totalizators. *See* Betting.
Tourists,
accommodation houses (Tasmania), 100
trade development board (Jamaica), 206
traffic (Newfoundland), 61
Townplanning,
(Federated Malay States), 181
(Malta), 213
metropolitan commission (Western Australia), 123
(North Borneo), 183
Trade. *See also* Bounties, Licensing, Mercantile agents, Sugar, Trade marks, Trade unions.
(Malta), 214
Trade Facilities. *See* Bounties, Industry Protection.
Trade Marks (Irish Free State*), 35
(Malta), 214
Trade Unions (France*), 222
(Malta), 214
(Northern Ireland), 22
(United Kingdom), 4
Traders. *See* Aliens, Mercantile agents.
Traffic. *See also* Highways, Police, Motor vehicles.
Calcutta (Bengal), 164
London (United Kingdom), 15, 16
(Nigeria), 189
regulation (St. Vincent), 209
Trusts and Trustees. *See also* Companies, Legal practitioners.
accumulations of income (United Kingdom), 12
church land (South Australia), 97
sale of grain (Manitoba), 46
trustees' relief (Jamaica), 205
(Western Australia), 121
Turks and Caicos Islands. *See* Administration.
Turtles. *See* Fisheries.

Unemployment,
insurance (United Kingdom), 5
relief (New Zealand), 127
Universities,
McGill (Quebec), 56
Unlawful associations,
(Irish Free State), 27
(Nyasaland), 194
Usury. *See* Moneylenders.

Vaccination (Gambia), 185
Vehicles. *See* Highways, Licensing, Motor vehicles, Traffic.
Vendors and Purchasers (Ontario), 50
Venereal Diseases (Grenada), 207
medical examination (North Borneo), 183
Vermin destruction (United Kingdom), 9
Victoria Parliament House. *See* Memorials.

Wages,
attachment (Victoria), 120
coal mines (New Zealand), 141
minimum (Ceylon), 171
(North Borneo), 183
War Disabilities Removal (New Zealand), 130
War Service Homes. *See* Housing.
Water. *See also* Irrigation.
supply (Nyasaland), 193
Weights and measures (Sudan), 199
Whaling industry (Newfoundland), 74
(Seychelles), 184
White slave traffic. *See* Women and Children.
Widows' and orphans' pensions. *See* Pensions.
Wild Animals. *See* Animals, Game.
Wild Birds. *See* Game.
Wills (Alberta), 42
Wine export. *See* Bounties.
Wire and wirenetting,
state aid (Commonwealth of Australia), 77
(Queensland), 94
Wireless Telegraphy (British Guiana), 201
(Commonwealth of Australia), 80
(Gambia), 186
ships (Bahamas), 203
(Jamaica), 206
ships and aircraft (Ceylon), 167
wireless telephony (Grenada), 207
Wolf Bounty. See Bounties.
Women and children. *See also* Criminal law.
industrial employment (Palestine), 217
protection (Sierra Leone), 190
Work colonies (Union of South Africa), 148
Workmen's compensation (New South Wales), 86
(Northern Ireland*), 21
(Ontario), 51
(Palestine), 217
(Quebec), 57
(Tasmania), 101
transfer of funds (United Kingdom), 2

BIBL. LONDIN UNIV.

THE JOURNAL OF COMPARATIVE LEGISLATION AND INTERNATIONAL LAW

THIRD SERIES—Vol. XI, Part I.

Six Shillings. February 1929.